DOCUMENT RESUME

ED 332 301	EA 022 844

TITLE	Report to the Legislature on Commercialism in Schools. (Supplementary Appropriations Act, Section 122, Chapter 16, Laws of 1990, First Extraordinary Session).
INSTITUTION	Washington Office of the State Superintendent of Public Instruction, Olympia.
PUB DATE	Jan 91
NOTE	103p.; Small print in one of the attachments may not reproduce adequately in paper copy.
PUB TYPE	Reports - Descriptive (141) -- Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	Advertising; Commercial Television; *Educational Policy; Intermediate Grades; *Public Schools; *School Responsibility; Secondary Education; *State Action; State School District Relationship; *Television Commercials
IDENTIFIERS	*Channel One; *Washington

ABSTRACT

This document presents the results of a mandated study of commercialism in the schools carried out by Washington State's Office of the Superintendent of Public Instruction. The study was prompted by the issues surrounding Channel One, a 12-minute televised news program designed for secondary school students that includes 2 minutes of commercials. Schools are offered about $50,000 worth of free receiving equipment in exchange for showing the program to most students during the regular school day. At least 10 Washington schools participate; the figure is 5,308 nationwide. This document reviews commercialism, narrowing the scope to "electronically transmitted" commercialism in schools and tracing the responses of various individuals, organizations, and associations to the Channel One offering. Washington's 1989 and 1990 state policy actions regarding this issue are detailed, along with a review of policy actions in other states. The report lists six policy options and their potential positive and negative consequences. Preferred options were narrowed to the following recommendations: (1) The state's Legislature, Governor, and Superintendent of Public Instruction should take steps to provide Washington schools with appropriate educational technologies; (2) the state legislature should adopt a statement leaving viewing decisions to local school boards; and (3) the State Board of Education should establish a representative task force to address issues requiring further study. Appendices provide a bibliography of 90 references, definitions, legal precedents, educational organizations' statements, survey findings, selected legislative materials, and a literature review on the effects of television viewing on children. (MLH/Author)

****
*   Reproductions supplied by EDRS are the best that can be made   *
*   from the original document.   *
****

ED332301

REPORT TO THE LEGISLATURE ON COMMERCIALISM IN SCHOOLS

(Supplementary Appropriations Act,
Section 122, Chapter 16, Laws of 1990,
First Extraordinary Session)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

J. Rutherford

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

EA 022 844

JANUARY 1991

BEST COPY AVAILABLE

SPI

JUDITH A. BILLINGS
Superintendent of Public Instruction

January 8, 1991

TO: Members of the Washington State Legislature

FROM: Judith A. Billings, State Superintendent of Public Instruction

RE: Findings, Recommendations, and Policy Options Related to Allowing Commercial Promotional or Commercial Sponsorship Activities in the Public School System (Supplemental Appropriations Act, Section 122, Chapter 16, Laws of 1990, 1st Ex. Session)

The 1990 Legislature directed the Superintendent of Public Instruction to prepare a report with findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system.

This report contains those findings, recommendations, and policy options.

For additional copies of this report or further information please contact:

Perry Keithley
Governmental/Budget Liaison
Old Capitol Building, FG-11
Olympia, WA. 98504
Phone: (206) 586-6906, SCAN 321-6906

JAB: jcr

Old Capitol Building. FG-11. Olympia. Washington 98504-3211

SPI

JUDITH A. BILLINGS Superintendent of Public Instruction

MESSAGE FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION

The global, dynamic nature of technological change has left little untouched in today's world, be it transportation, communication, economics, medicine, politics, or social patterns. The only constant seems to be accelerating change.

With this in mind it is extremely unsettling to realize that education has barely tapped the potential technology holds for learning. At a time when K-12 schools are attempting to meet new and more difficult challenges with limited resources, technology is a viable and necessary means for providing a sound, relevant educational experience for our students.

There are clear indications that the business world is recognizing how the K-12 environment shapes the workforce of tomorrow, thus corporate involvement in schools is on the rise. At the same time, schools are recognizing the need to "re-tool" to tap the potential of technology but are without adequate resources to do so. As these phenomena converge is it any wonder that school use of electronically-transmitted programs containing commercials is an issue currently in debate?

I appreciate the leadership demonstrated by the Legislature in causing examination of this issue. The task set forth by the 1990 Legislature in the Supplemental Appropriations Act, Section 122, Chapter 16, Laws of 1990, 1st Extraordinary Session, was for this office to prepare a report on commercialism in schools. This report is the culmination of a six-month study conducted by OSPI and a representative Ad Hoc Committee, with the Northwest Regional Educational Laboratory serving as a consultant for the project.

Based on the six-month study it is my recommendation that the State of Washington recognize this issue as one which must be left to local decision-making. With the background information and guidelines provided in the accompanying document, I firmly believe that informed decision-making regarding the potential school use of electronically transmitted programs containing commercials will take place through local school board process and action.

It must be recognized that this study focused on electronically transmitted programs containing commercials, and the full scope of commercialism in schools has not been addressed. Further study by the State Board of Education is recommended to address the broader issue.

I strongly support corporate involvement in schools which improves and enriches the educational experience for students without jeopardizing the public trust placed with schools. I anticipate that this document will provide local school districts with sound educational guidelines which lead to school board decisions which ultimately benefit students.

Sincerely,

Judith A. Billings

Judith A. Billings
State Superintendent of Public Instruction

JAB:cll

Old Capitol Building. FG-11. Olympia. Washington 98504-3211

TABLE OF CONTENTS

Acknowledgements i

Executive Summary v

I. BACKGROUND 1

A. OVERVIEW OF THE ISSUE OF COMMERCIALISM IN SCHOOLS 1
  1. History of Commercial Activities in Schools 1
  2. What Vendors Are Saying about the "School Market" 4
  3. An Overview of Whittle Communications' Channel One 5
  4. Elevation of the Issue of Commercialism through Expanded Use of Channel One 7
  5. Uniqueness of Commercially Sponsored Electronically Transmitted Programming 8
  6. Public and Professional Reactions to Channel One 10
  7. Educational Television Options to Channel One 11

B. THE WASHINGTON BACKGROUND 13
  1. 1989 Actions 13
  2. 1990 Actions 13
  3. Purpose and Chronology for the Policy Study 15
  4. The Policy Assumptions 15
  5. The Policy Issues 15
  6. Criteria in Judging Policy Options 16

C. HOW THE STATES ARE RESPONDING TO THE CHANNEL ONE ISSUE 17
  1. Outright Ban of Channel One 17
  2. Restricted Use 18
  3. State Guidance through Statements of Philosophy or Opinion by State Board or Superintendent 20
  4. No State Position 21
  5. Conscious State Decision that it is a Local Decision 21
  6. Conclusion 22

II. POLICY OPTIONS CONSIDERED 23

INTRODUCTION 23

A. Option 1: 23

B. Option 2: 24

C. Option 3: 25

D. Option 4: 26

E. Option 5: 27

F. Option 6: 28

III. PREFERRED POLICY OPTIONS 29

IV. RECOMMENDATIONS 30

APPENDICES

Appendices of Resource Materials

- Bibliography
- Definitions of Terms and Relevant Legal Precedents
- Illustrative Positions and Opinions on Channel One: Negative National and Positive Local"
- Summary of Results of Interviews with Washington Districts Using Channel One
- Copy of SHB 2403
- Attorney General's Opinion
- Copy of Supplemental Appropriations Act, Section 122, Chapter 16, Laws of 1990,1st Ex. Session
- Copy of State of Washington's Instructional Materials Selection Policy
- Districts Using Channel One
- Review of Research on Effects of Television and Televised Advertising

Acknowledgements

Commercialism in Schools Ad Hoc Advisory Committee

WASHINGTON EDUCATION ASSOCIATION

Nancy Montgomery
Teacher, President, Highline Education Association

ASSOCIATION OF WASHINGTON SCHOOL PRINCIPALS

Brian Barker
Associate Executive Director
Association of Washington School Principals

EDUCATIONAL SERVICE DISTRICTS

Dr. Ted Roscher
Administrator, Telecommunications Division
ESD 101

WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

Dr. Ken Bumgarner
Deputy Superintendent
Bethel School District

PORT ANGELES SCHOOL DISTRICT

Dr. John Pope
Superintendent of Schools
Port Angeles School District

CHEHALIS SCHOOL DISTRICT

David Engle
Chehalis School District

WASHINGTON STATE ASSOCIATION FOR SUPERVISION AND CURRICULUM DEVELOPMENT

Gene Nicholas
Principal - Timberline High School
North Thurston School District

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

Bob Hughes
Mbr., WSSDA Board of Directors; Director, Lake Washington S.D.
Lake Washington School District

Ken Hoben
Data Planner
Boeing Computer Services
(Filling in for Bob Hughes as WSSDA Representative)

WASHINGTON STATE PTA

Janis Pinckney
Co-President Northshore PTA Council

WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION

Cliff Gillies,
Executive Director
Washington Interscholastic Activities Assoc.

LEGISLATORS

Representative Shirley Rector
John O'Brien Bldg, Mail Stop AS-33
Olympia, WA 98504

Representative William Brumsickle
John O'Brien Bldg, Mail Stop AS-33
Olympia, WA 98504

Senator Nita Rinehart
407 B Legislative Bldg.,Mail Stop AS-32
Olympia, WA 98504

Senator Cliff Bailey
204 Institutions Bldg.,Mail Stop AS-32
Olympia, WA. 98504

Larry Davis, Senior Analyst
Senate Education Committee

STATE BOARD OF EDUCATION

Barbara Holm
Member, State Board of Education

NORTHWEST REGIONAL EDUCATIONAL LABORATORY

Tom Olson, Assistant Director
Planning and Service Coordination
Northwest Regional Educational Laboratory

Kenneth Hansen, Senior Policy Analyst
Northwest Regional Educational Laboratory

SUPERINTENDENT OF PUBLIC INSTRUCTION

Co-chairpersons

John C. Rutherford, Supervisor
Learning Resources

Cheryl L. Lemke, Supervisor
Educational Technology and Telecommunicatons

Acknowledgements
Commercialism in Schools
Business Review Team

Apple Computer, Inc.
Barry Waite
405-114th Avenue, SE #100
Bellevue, WA 98004

Boeing Computer Services
Bob Hughes
P.O. Box 3707, 9A-90
Seattle, WA 98124

STEP (Satellite Ed. Telecommunications Program)
Brian Talbott
ESD 101, W. 1025 Indiana
Spokane, WA 99205

KCTS/9
Sharon Babcock
401 Mercer
Seattle, WA 98109

McDonalds
Tom Crockett
10220 NE Points Dr.
Kirkland, WA 98033

Student Publishing Services
Scott Johnson
401 PARK PLACE, Suite 503
Kirkland, WA 98033

Washington State Cable Company Association
Bruce Frickleton
3206-50th Ct. NW
Gig Harbor, WA 98335

Association of Washington Businesses
Don Brunell
1414 Cherry SE
Olympia, WA 98507

Coca Coca Enterprises
CE "Buddy" Rogers
1334 S. Central Avenue
Los Angeles, CA 90021

International Business Machines
Jim Pivec
410 11th Avenue SE
Olympia, WA 98501

KOMO TV
Regan Dennis
100 4th Avenue N.
Seattle, WA 98109

Scholastic
Anne Dwire
4030 Latona N.E.
Seattle, WA 98105

U.S. West
Steve Nielson
1600 Bell Plaza, RM 3203
Seattle, WA 98191

Whittle Communication
Chris Whittle
505 Market Street
Knoxville, TN 37902

EXECUTIVE SUMMARY

The 1990 Supplemental Appropriations Act, Section 122, Chapter 16, Laws of 1990, 1st Ex. Session mandated the Superintendent of Public Instruction to "conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general."

This document presents the results of the mandated study of commercialism in the schools carried out by the Office of the Superintendent of Public Instruction (OSPI). Advice on policy options, implications, and recommendations were provided by an Ad Hoc Task Force and a Business Review Group. Background research and technical assistance was provided by the Northwest Regional Educational Laboratory (NWREL).

This study was prompted by the issues surrounding "Channel One," a twelve-minute televised news program designed for middle and high school students. The program includes two minutes of commercials. Schools are offered approximately $50,000 worth of free receiving equipment if they agree to show the program to most of their students during the regular school day. At least ten Washington school districts have contracted with Whittle Communications, Inc., the vendor providing this program. Whittle reports 5,308 schools nationwide are now under contract as of November 15, 1990.

This document reviews the broad issue of commercialism in schools in its many forms and then narrows the scope to "electronically transmitted" commercialism in schools. The study does trace the responses of various individuals, organizations, and associations to the Channel One offering. The 1989 and 1990 state policy actions in Washington regarding this issue are detailed.

A review of policy actions in other states is also provided. These actions range from an outright ban of Channel One to the other end of the spectrum--a state determination that the matter is strictly one of local control and local districts are free to make any decision they wish regarding the program.

The report presents six policy options and their potential positive and negative consequences. These options, which deal with the broader issue of commercialism in schools, were analyzed by the Ad Hoc Advisory Committee early in the study. As the study focused in on "electronically transmitted" commercialism in schools, the preferred options were narrowed to four, with further study resulting in the following recommendations:

Recommendation #1:

> The study's first and strongest recommendation is that the Legislature, the Governor, and the Superintendent of Public Instruction take the necessary action to provide Washington schools with the technologies that are increasingly becoming educational resources more basic than textbooks and pencils. If we are to be truly competitive in the global marketplace, our schools must be provided the resources to help them acquire the necessary technologies (computers, televisions, satellite downlinks, videodiscs, etc.).

Recommendation #2:

The second recommendation confronts the issue of state vs. local control in determining whether or not the issue of electronically transmitted programming containing commercialism is appropriate in classrooms.

The study recommends that the Legislature adopt a statement that the selection and use of electronically transmitted programming containing commercial advertising is a matter best left for local school boards to decide. This statement should also contain a directive that formal board action must be taken if a district chooses to implement such programming. This board action must include, but not be limited to, use of the state's required instructional materials selection process (28A.320.230). Furthermore, it is recommended that the legislature direct the State Board of Education to develop guidelines, as outlined in this document, to assist districts in their decision-making process to use or not use electronically transmitted programming containing commercials, and to guide potential implementation of such programming should districts opt to use it.

Recommendation #3:

This Commercialism in Schools Study was limited in scope by the authorizing legislation directing the study and by state budgetary language. Nonetheless, the study did bring to light several state policy issues which require further study. The third recommendation is that the State Board of Education establish a representative task force to address those issues.

School districts must ensure that corporate involvement in schools truly improves and enriches the education experience for students and does not jeopardize the public trust placed with schools by the community.

I. BACKGROUND

A. OVERVIEW OF THE ISSUE OF COMMERCIALISM IN SCHOOLS

1. History of Commercial Activities in Schools

Commercialism in educational institutions and environments has been commonly found and routinely accepted for many years. Some of these commercial activities have included:

- Formal "business-education" partnerships
- "Loaned" lecturers and instructors
- Student travel and exchange programs
- On-site sales such as school pictures, class rings, music equipment, etc.
- Workshops provided at no cost to introduce new textbooks, instructional materials, or other supplies
- Fund-raising involving the sale of specific products such as candy, magazines, tee-shirts, or other products
- Sale of advertising in printed programs, newspapers, yearbooks, and other school publications and on school properties used for student activities

Recently, however, the advertising in the schools has taken a decidedly more aggressive turn. Numerous corporations are entering classrooms at every grade level with "free" magazines, posters, book coverings, and other "learning tools" bearing sponsor messages. And because teachers are always looking for new materials to supplement textbooks and motivate students, and because many schools are faced with chronic shortages of funds, teachers are increasingly welcoming the "freebies." Some examples:

- McDonald's school magazine teaches children the environmental advantages of Styrofoam packaging.
- Nutrasweet's "educational program" promotes the sweetener for weight control without discussion of dietary needs and possible health hazards to certain people.
- Chef Boyardee's "good nutrition" package teaches students to eat pizza and features recipes calling for Chef Boyardee products.
- Polaroid's school materials include the company name on most lessons and assignments and encourage students to buy Polaroid film by offering schools "free" cameras for proofs of purchase.
- "TeenPaks"--plastic bags containing product samples and coupons for Noxema and Tampax--are distributed in schools to junior and senior high school girls.
- "Changing," a booklet from Proctor and Gamble, teaches girls how to use Always, its brand of sanitary pads.

- Posters for classroom bulletin boards, distributed by Reynolds Wrap, Birds Eye frozen vegetables, Promise margarine, Bakers chocolate, and others, prominently advertise those companies and their products.
- Whittle Communications' "Channel One," a daily 12-minute television news program designed for students in grades six through twelve includes up to two minutes of commercially sponsored public service messages ("Stay in School," "Don't Do Drugs,") as well as advertising for such products as blue jeans and candy bars in exchange for approximately $50,000 worth of equipment (Whittle pays for the equipment by selling commercials for $300,000 per minute). The "Channel One" program is supplemented by the "Classroom Channel," providing free satellite time for public television offerings and the "Educator's Channel," providing staff development for teachers and administrators.

A recent study in the Northwest produced examples where businesses or other agencies provide funding, materials, or equipment to Northwest school districts:

- Apple Computer has teamed with Fred Meyer to allow schools to collect cash register receipts and exchange them for computers.
- Pizza Hut is sponsoring a reading program where students who read five books receive a certificate for a "free" individual pizza. Pizza Hut provides folders and other supplies.
- IBM provides schools with hardware and software at reduced or no cost if school districts use their "Write to Read" program.
- Local supermarkets provide electronic scoreboards to schools at no cost if the store is allowed to have its name on the display.
- Military service recruiters provide book covers, pencils, and pens to counseling departments and eventually to students.
- Honda motorcycle has provided fully crated motorcycles to automotive shop classes along with repair manuals to be used in their instructional classes.
- Soft drink companies place vending machines in locker rooms with profits being cycled into athletic funds or student body funds.
- School photographers pay schools for the opportunity to take student photos for the yearbook, identification cards, and sale to students.
- Driver education automobiles are loaned to schools or given as outright gifts to driver education programs. These cars are seen with the driver education name on the roof and in some cases, the dealership displayed on the roof.
- Scholastic and Troll book companies provide incentives to teachers for passing out their ordering information to students, and collecting the money for the book orders.
- School-sponsored magazine sales also provide funds to schools when schools coordinate ordering and collecting of the money.

A recent report by Consumers Union Education Services (Selling America's Kids: Commercial Pressures on Kids of the 90s, 1990) looked at the reasons why companies are so motivated to provide these materials to schools:

> "School is... the ideal time to influence attitudes, build long-term loyalties, introduce new products, test market, promote sampling, and trial usage and, above all, to generate immediate sales." (Lifetime Learning System ad directed at companies)
>
> "Early brand loyalty. New sources of business. Profitable secondary markets. A positive corporate image." (Media Management Systems)
>
> "High visibility for your product among a closely targeted audience." (TeenPak)

Consumers Union found that "schools' chronic funding shortages lead teachers to welcome free education materials, and schools to join forces with the advertisers to obtain equipment they couldn't otherwise afford. Unable to win sufficient public funding for their educational role, schools are turning into an advertising medium." (Selling America's Kids, 1990).

Marketing specialists also know that schools hold the potential for widespread penetration of an enormous market. More than 45 million students are enrolled in 102,000 elementary and secondary schools. A brochure by Scholastic Inc. informs potential advertisers that "this population drives a giant spending machine." The brochure also notes that Americans under 18 spend more than $582 billion of their own and their parents' money every year and that young people influence, or are the reason for, the purchase of $142 billion in services (U.S. News and World Report, November 6, 1989).

This broad range of commercial activities in schools spans a continuum of potential impact on curriculum and instruction as follows:

Category 1: Activities Which Have High Potential for Having a Direct Impact on Curriculum and Instruction:

- Electronically conveyed advertisements such as those shown on Channel One
- Bulletin boards, posters, wall charts, book covers, etc. with heavy sponsor advertisements and which appear in classrooms
- Free instructional materials which contain advertisements or which weave in encouragement to use the product as a part of the instructional message
- Instructors loaned by the private sector

Category 2: Activities Which are in the General School Environment, but Which Have Low Potential for Direct Impact on Curriculum and Instruction

A. School-Business Partnerships

  - Adopt-a-School programs and other kinds of partnerships
  - Gifts or loans to schools, such as driver education cars, computers, and sports equipment

B. Incidental Advertising

- Publishers workshops and seminars
- Business names on scoreboards, fences, book covers
- Advertisements in school newspapers and annuals and regular newspapers
- Film credits, underwriting of PBS TV programs
- Business names and logos on instructional materials and equipment

C. Activities Which Generally Follow State Bid Procedures

- School pictures, rings
- Vending machines
- Seminars
- Musical equipment and instruments

2. What Vendors Are Saying About the "School Market"

Clearly, millions of dollars are being spent to sell products to children and youth through advertising in school educational "materials." Consumers Union has been concerned for many years about the nature and degree of advertising and marketing aimed at children. Their report, documenting the marketing blitz aimed at children in schools, offers the viewpoints of marketing specialists as they look to the schools (Selling America's Kids, 1990):

> "Kids spend 40 percent of each day in the classroom where traditional advertising can't reach them," laments Lifetime Learning Systems, an agency that specializes in the school market. "Now, you can enter the classroom," the agency assures potential customers.
>
> "It isn't enough to advertise on television...you've got to reach kids throughout the day--in school, as they're shopping in the mall...or at the movies. You've got to become part of the fabric of their lives." Carol Herman, Senior Vice President, Grey Advertising.
>
> "Modern Talking Pictures is an agency that distributes samples ranging from snack foods to tampons. The agency promises its clients two million junior and senior high school students in a non-competitive distribution environment."
>
> A trade publication quoted a Nickelodeon spokesperson as follows: "We're saying to advertisers, you can be a sponsor of an event...we've packaged this now so that it's in the home, it's in the school, it's on television. It's in the shopping environment."

> "Michael Jordan is an outstanding role model for kids and teens. We are seeing the effects ...on sales, and we are pleased." Nike spokesperson in an industry newsletter.

Without a doubt, marketing specialists see the schools as promising territory for their advertisers.

3. An Overview of Whittle Communications' Channel One

Whittle Communications' initial concept for Channel One, a daily 12-minute news and information program designed originally for middle level and high school students, evolved, according to Whittle, from teachers' complaints about the decline in cultural literacy among students and the need for improved technological resources for schools. Channel One was tested in the spring of 1989 in five high schools; one middle school was also included in the pilot test. As tested, Channel One consisted of the 12-minute program and the equipment required for it to be viewed throughout the school at the same time--satellite dish to receive the show, a master VCR to record the show (and allow administrators to screen each show for appropriateness), internal wiring of classrooms to the receiving station, and television sets for each classroom. Both the program production and the technology package were funded by two minutes of commercials in each daily show.

As originally conceived, Channel One called for all classrooms in a school to be a part of the program and for all students to watch the show. Additionally, use of the equipment for other purposes was restricted. The plan called for only schools with enrollments above 500 students to be a part of the system.

Results of the pilot test were reported by Whittle. Students were found to be initiating discussions on current events and quizzing each other on aspects of the show and that teachers were able to integrate the show into their classes. Parents were reported to be pleased with their children's increased interest in current events. The media package was found to be put to use for things such as the internal broadcast of school events and student-produced news shows to complement Channel One.

Whittle also contracted with the Gallup organization and professors from St. John's University to gauge: (1) the reactions of students, teachers, and administrators to Channel One; (2) the effectiveness of Channel One to convey information and to increase cultural literacy; and (3) public opinion of Channel One.

Results as reported by Whittle include the following:

a. Over 11,000 students participated in educational tests conducted at the six pilot schools and at five "control" schools with similar demographics but which did not receive Channel One. Of 169 questions asked in the test, Channel One students had significantly higher correct responses on 138 questions. Students in the control group had significantly higher scores on only 4 questions. Channel One was found effective in disseminating new information as well as increasing knowledge and awareness of current events that students could be exposed to elsewhere.

b. Over 200 teachers in the six schools were interviewed by phone. Over 90 percent said Channel One was used primarily as an educational vehicle and around 80 percent said that Channel One motivates group discussions in classes.

c. A Gallup poll shows that 87 percent of parents would be interested in having Channel One shown at their local high school. Moreover, opinions of Channel One increased when parents actually saw the show rather than being read a description of it.

d. In exploratory visits with high schools across the country to assess their potential interest in the program, 80 percent of schools indicated interest in Channel One.

Based on the pilot test results, Whittle Communications saw the need for a more comprehensive educational package. The original concept was expanded to become an educational network which is now offered free to both middle and high schools nationwide. The network now consists of three channels:

a. Channel One, a daily 12-minute news and information program designed specifically for middle and high school students

b. The Classroom Channel, an instructional support channel which will make available free of charge 1,000 hours of satellite time each school year for public television offerings (noncommercial educational programming)

c. The Educators Channel, designed by and for teachers and support groups to help them stay current with issues and trends affecting education

The technology package available to participating schools has also been expanded to include two VCRs--one for recording Channel One and one for The Classroom Channel and The Educators Channel--as well as the classroom televisions, wiring, and satellite receiver. Whittle will also provide the capability to add a moveable satellite dish which the school may do at its own expense. The entire television system is installed and maintained by Whittle. With the equipment, a school is able to access programming via: (1) the satellite dish furnished by Whittle; (2) the optional moveable satellite dish a school may add; (3) local cable service (where available); and (4) local broadcast television.

Also as a result of the pilot test, Whittle changed several of their original policies. Viewing of Channel One by the entire school is no longer mandatory. Schools may participate without having every class wired, and all students do not have to watch the programming. The program can be offered to high schools and/or middle schools at the determination of each school district. The minimum school size required for participation was removed; any school of "average" school size may participate. Schools are now free to use the equipment at their discretion with the only stipulation that: (1) Channel One must be shown to most of the students, most of the time, at a time during the school day selected by the school; and (2) competing commercially sponsored daily newscasts designed specifically for students and which contain advertising may not be shown on the equipment provided by Whittle (in other words, the system may be used for any noncommercial programming as well as commercial programming not created specifically for students, such as network news).

Project start-up for the network cost Whittle more than $200 million; they anticipate spending $85 million annually to maintain the system. They are continuing a three-year formal evaluation conducted by the University of Michigan's Institute for Social Research and Interwest Applied Research, Inc.

4. Elevation of the Issue of Commercialism through Expanded Use of Channel One

To say that Channel One has set off a wave of controversy is an understatement. With the six pilot schools in the spring of 1989 came a firestorm over the largely ignored issue of commercialism in schools. Educators previously caught up in such demands as increased drug use, failing test scores, and other contemporary and critical issues were caught unaware of the growing sophistication of marketing companies to promote their products in school environments. Educators, parents, and school authorities attacked Whittle Communications as the "very devil" of commercialism. Both Whittle's technology and programming came under attack, not to mention the commercial transaction that pays for them. "The problem is they want us to sell access to our kids' minds, and we have no right, morally or ethically, to do that," says Bill Honig, California's Superintendent of Public Instruction, who has attempted to ban Channel One.

The controversy touched on other feuds in the political arenas of education: state versus local school decision making; teacher empowerment versus centralized control; private versus public sector influence; taxpayers versus school spendthrifts; and rank-and-file educators versus organizational leaders. One California district considered taking Superintendent Honig to court over the matter. "I was real disappointed that he put the kibosh on it," says Nadine Berretto, principal of Gahr High School in Cerritos, a Channel One pilot school (U.S. News and World Report, November 6, 1989).

Yet the idea of students in classrooms watching commercials for Nike Air Jordans, or Burger King hamburgers, or Levi 501s brought increased concern among educators. Two of the nation's largest states (containing more than 20 percent of the student population in the U.S.) took steps to attempt to ban districts from contracting with Whittle (see Section C for more discussion of this action).

Others countered that Channel One was no different from other commercial activities in the schools and the opportunities for new resources offered by Whittle were too impressive to pass up without additional consideration. Many local school administrators, tired of sagging budgets and begging for public money, were thrilled to consider the possibilities offered by Whittle in exchange for commercial interest in their "market." "Education is becoming an increasingly expensive proposition, and taxpayers are becoming concerned about the high level of support necessary," says Cecil Good, who oversaw a Channel One pilot program in Detroit's Mumford High School as the city's assistant superintendent for data management. "It is prudent business management to look at the alternatives" (U.S. News and World Report, November 6, 1989).

A recent survey conducted by the Northwest Regional Educational Laboratory (NWREL) found reports of widespread community and school staff approval in those Oregon and Washington school districts using Channel One. Indeed, a common feeling expressed by the superintendents in districts using Channel One is that there is so much advertising already, the issue is really one of maintaining quality. Several of the superintendents interviewed felt that the quality of Channel One programs is much higher than other televised programming and were impressed with the graphics and range of content. When asked if they would make the same decision again regarding contracting with Whittle, virtually all of the superintendents in Washington said, "Yes." Indeed, NWREL interviewers found few reports of controversy in the Washington schools using Channel One. One exception is a grievance filed by teachers claiming inadequate opportunity for input in the decision to use Channel One. But this is clearly an exception.

5. Uniqueness of Commercially Sponsored, Electronically Transmitted Programming

The broad issue of commercialism in the schools is a long-standing one. The more recent electronic transmission of commercially sponsored programming such as Channel One now presents some unique contrasts to traditional forms of "print" advertising. For example, the ability to both use visual and auditory stimulus provides advantages in conveying a message. In addition, the advertising on Channel One is presented on a daily basis throughout the school year, providing an opportunity to repeat the message and build a cumulative effect of product identification.

There has been considerable discussion, but minimal research, on the effects of television and televised advertising on students. The Northwest Regional Educational Laboratory conducted a review of the research literature related to the effects on children and youth. The literature review (see Appendix for more detail) found the following:

- The research literature does not support many of the assertions about the alleged harmful effects on all children or youth. It does dispel some common myths about harmful effects of television viewing.
- Low ability children tend to work harder to comprehend television and thus perform better than high ability children.
- High ability children tend to "look down" on TV and thus learn less than their less able peers and less than their peers who use print text.
- Students at middle level, especially sixth graders, report TV as being like "real life," while seeing print material as more contrived.
- Children below age eight do not understand the selling intent of televised commercials.
- Children's understanding of ads increases with age and through cumulative exposure.
- Children and youth receive very little family guidance or control over televised advertising or programming.
- After age two, the majority of children watch some television daily. Children ages two to eleven are exposed to approximately 20,000 commercial messages each year.
- Children from disadvantaged homes tend to watch more television and are more influenced by it. One study reported that disadvantaged children were three times as likely to be heavy television viewers as advantaged children.

- Sex stereotyping is prevalent in television programming and advertising, showing females in lower status roles.

While the research literature does not present a comprehensive picture of the effects of television, several implications for this study are suggested:

- Schools need to be aware of the pervasive influence of televised programming and commercials on children.

- Equity issues are raised through the prevalent sex role stereotyping and the heavier influence of television on disadvantaged children.

- Students at the middle and high school levels understand selling intent of commercials and can be taught advertising techniques. (Indeed, many Washington schools using Channel One are using it to teach about advertising.)

- Schools might consider more work with parents and families to help them provide guidance in children's viewing of advertising.

It should be pointed out that Whittle Communications has established standards and guidelines to govern the type of advertising that will appear on Channel One as follows:

> It is the policy of Channel One to present advertising which is truthful and tasteful and not misleading or deceptive. Channel One recognizes that it has a special responsibility to its teen-age audience because of its age and the educational environment in which the programming is viewed. Careful attention will be given to all guidelines to assure that practices and behavior which are inconsistent with the learning environment, as well as the community at large, will be avoided in commercial programming.

Whittle Communications has determined that advertisements for the following products or services will not be considered for inclusion in Channel One viewing: abortion clinics, alcoholic beverages, contraceptive products, firearms, ammunition, fireworks, gambling, "head shops" (those establishments dealing in drug paraphernalia), lotteries, motion pictures rated R or X (now NC-17), prescription drugs, political advertisements, religious time, solicitation of funds, and tobacco products. Personal hygiene products will be reviewed on a case-by-case basis.

Channel One has also developed guidelines to aid sponsors in the development of appropriate advertising. In addition, Channel One encourages development of specific messages that will accomplish the following objectives:

- Includes a balanced representation of individuals from a variety of social, racial, ethnic, or gender groups

- Provides positive role models for all members of the viewing audience

- Includes and portrays individuals with physical and mental impairment in a positive manner

- Places an emphasis on the importance of education and remaining in school

- Communicates strong messages against all forms of antisocial behavior, including drug use, violence, prejudice, etc.

6. Public and Professional Reactions to Channel One

Reactions to Channel One have been given at the national, state, and local levels. They present the following pattern:

> At the national professional association level, there is widespread opposition to Channel One, largely on the grounds that the students are a "captive audience." Many of the associations' executive boards and directors have taken positions on the issue of commercial advertising. However, we have found few cases where the total membership has taken a vote on the issue. Associations whose executive directors and/or boards have expressed opposition include:
>
> - American Association of Colleges of Teacher Education (AACTE)
> - American Association of School Administrators (AASA)
> - American Federation of Teachers (AFT)
> - Association for Supervision and Curriculum Development (ASCD)
> - National Association of Elementary School Principals (NAESP)
> - National Association of Secondary School Principals (NASSP)
> - National Association of State Boards of Education (NASBE)
> - National Council for the Social Studies (NCSS)
> - National Education Association (NEA)
> - National Parent Teacher Association (PTA)
> - Unlike the above national associations, the National School Boards Association (NSBA) has taken the position that the issue is a matter of local control. NSBA's president adds, "Implicit in this is the fact that television programming and facilities are expensive and that some schools lack the funds to acquire and use such services."
> - Reaction of state policymakers has been mixed, ranging from an outright statewide ban of Channel One to the position that it is strictly a matter for local control and decision making. (See Section C for greater discussion of these state positions.)

- At the local level, Channel One has expanded rapidly with Whittle Communications reporting in November, 1990, that 5,308 schools are now using Channel One. Generally, the reaction of Channel One users in NWREL's survey of Washington superintendents is very favorable. Superintendents report that they are observing many uses of the newscast in the rest of the instructional day. They also report there are numerous additional instructional uses of the Whittle equipment being made. In several districts, the superintendents are a bit more guarded, taking a "wait and see" attitude. These districts entered into the contract with the view that Channel One is worthy of testing to find out its effects on students' attitudes and knowledge. In a sampling of "non-user" districts, NWREL investigators found that the "captive advertising audience" argument was most influential in the districts deciding not to pursue a contract with Whittle Communications.

Whittle Communications reports that there have been more than 11,000 news articles between January 1989 and June 1990. Many of these articles report impressions and opinions of local teachers and administrators who are using Channel One in their schools. These tend to be highly positive. Editorials in the New York Times, Washington Times, and Wall Street Journal say basically, "Let the experiment proceed." Others like The Oregonian are less tolerant when they assert "(Channel One) is 'Let's Make A Deal' education."

The Appendix includes a list of quotations of the various positions described above.

7. Educational Television Options to Channel One

Benefiting from the publicity and mistakes of Whittle, Ted Turner entered the arena of educational television and announced the formation of "CNN Newsroom," a commercial-free news program designed especially for middle and secondary school students without paid commercials. The Turner Educational Service, in collaboration with leading educators, provides a 15-minute program that includes a "news desk" and a "special report." The daily special report focuses on recurring issues: Monday--future global issues; Tuesday--international events; Wednesday--business; Thursday--science; and Friday--in-depth coverage of the week's major stories. Schools are urged to record CNN's Week in Review, and they receive weekly teaching guides.

There are some obvious reasons why Turner Broadcasting and the local cable companies are providing these services without commercial sponsors: (1) cable companies, licensed by the public, need to demonstrate that they provide community services; (2) middle and high school students represent future cable subscribers; and (3) the promotional aspects have the potential of raising public awareness about the wider range of cable services. Turner, himself, says he's giving back to the system that has made him so "healthy and wealthy."

Turner's proposal has virtually the support of everyone--the National School Boards Association helped plan CNN Newsroom. Peggy Charren, Action for Children's Television (ACT), called Turner's proposal "terrific." To date, there has been literally no opposition.

Public television (PTV) continues to be a player by offering a wide range of educational services. Two-thirds of the noncommercial stations report that school use of public television is increasing. Nearly 80 percent of the 336 PTV stations provide educational programming specifically for classroom use. However, it must be noted that many programs on PBS are sponsored by corporations and receive significant recognition. Last year, PTV spent $9 million for school programs for 4-7 hours of daily programming in schools. The Public Broadcasting Service (PBS) National Instructional Satellite Schedule provides schools with more than 1,200 hours of instructional television. Additionally, many of the PBS affiliates originate programs that reach many of the nation's schools via satellite. PBS stations note they transmit an average of five hours each day of programming for in-school use.

Instructional television (e.g., KCTS in Seattle and KSPS in Spokane) is also in frequent use in the schools across the state and, increasingly, teachers are also taping network news programs on their own for later classroom showing.

The one clear distinction between these options and Channel One is the fact that Whittle provides free receiving equipment in exchange for agreement to show Channel One with the commercials. It is this issue which has heightened controversy over commercialism in schools. The next section traces the recent history of policy options in Washington State.

B. THE WASHINGTON BACKGROUND

1. 1989 Actions

Whittle's active marketing of Channel One in Washington brought a prompt state policy response. On April 17, 1989, Grant Anderson, President of the State Board of Education, sent the following position statement to all Educational Service Districts, school superintendents, and presidents of school district boards of directors:

> On March 31, 1989, the Washington State Board of Education unanimously joined with the Forum of Educational Organization Leaders and the National Association of Secondary School Principals in asking local policymakers to look critically at the use of the Whittle Communications Channel One news program with its accompanying product advertising.
>
> The State Board is philosophically opposed to the introduction of commercialism into the classroom and the implicit endorsement of commercial products by the schools. Currently districts have curriculum committees and adoption procedures for the selection of instructional materials. The Board urges that commercial television programming for classroom use undergo the same rigorous selection process.

While this statement did not prevent local school districts from contracting with Whittle, it clearly indicates the philosophy of the Board related to commercial endorsement of products in the schools. Further, the Anderson memo reminds schools of the established instructional materials selection policy in existence in the state and the need for using this process for electronically transmitted, as well as print materials in the classroom.

2. 1990 Actions

In spite of the State Board's philosophical opposition, at least ten school districts in the state have entered into contracts with Whittle Communications. This development captured the interest of the Washington State Legislature. In March 1990, SHB 2403, containing the following provisions, passed both houses and was sent to Governor Booth Gardner:

> Section 15: The superintendent of public instruction, in cooperation with the Washington State School Directors' Association, shall notify all school districts of the study under Section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under Section 16 of this act are available.

The study would have focused on an examination of the impact of televised educational programming which included commercials. Included would be an assessment of the impact on students', parents', teachers', and administrators' attitudes toward the program and the appropriateness of required viewing of commercials.

The legislation made it clear that it was seeking to examine commercial promotion, and not sponsorship. Further, its definition of commercial promotion was restricted to those activities that were electronically transmitted.

An earlier version of SHB 2403 had contained much more restrictive language, in effect prohibiting any school district from contracting with Whittle for the Channel One program (and preventing any districts that had already contracted for the program from renewing their three-year contracts). This earlier version had also contained the above provisions for the study.

On March 27, 1990, Governor Booth Gardner vetoed the provisions of SHB 2403, along with several other provisions related to the State's telecommunications system. In his veto message he cited the following rationale:

> This pre-empts a school district's ability to make a reasoned decision on this subject and prejudices the outcome of the study. These are issues better addressed and resolved at the local level, where the school districts can better identify and weigh the particular advantages and disadvantages of using such programming.

We thus see, in the period 1989-1990, a variety of policy options were attempted to deal with the issue in Washington. The State Board's 1989 position attempts to influence, but not direct, districts. The first version of SHB 2403 reflects an attempt at an outright ban on Channel One. This was then softened to direct the Superintendent of Public Instruction to "encourage" school districts not to enter into contracts, pending further state study. Governor Gardner's veto rationale then reflects the position that the matter is strictly one of local control.

The next step in dealing with the issue in 1990 was the inclusion of a mandated study in the 1990 Supplemental Appropriations Act. Section 122, Chapter 16, contained the following provisions:

> (3). $30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

While this provision appears to broaden the area of concern to "commercialism in the schools," Mr. Larry Davis, Senior Analyst, Washington Senate Education Committee, has indicated that the legislative intent underlying this provision focused on electronically transmitted commercial promotion as its greatest concern. (Indeed, the provision was a part of the appropriations for the state's video telecommunications system.)

Later, as this study was proceeding, the State of Washington Attorney General's office issued an opinion on the question of whether local districts had the right to select and use educational television programming or other materials and supplies which contain advertising. On November 1, 1990, the Attorney General announced an affirmative answer, thus giving local districts the prerogative, under current statutes, to contract for Channel One programming. (See Appendix for full text of Attorney General's opinion.)

3. Purpose and Chronology for the Policy Study

The Superintendent of Public Instruction issued a Request for Proposals to provide assistance in conducting the study mandated in the Supplemental Appropriations Bill. The Northwest Regional Educational Laboratory (NWREL), a private not-for-profit educational research and development institution headquartered in Portland, Oregon, was awarded a contract for the study as a result of this competition.

The staff of the Office of the Superintendent of Public Instruction appointed an Ad Hoc Advisory Committee to provide guidance in the study design, as well as in the identification of policy issues, options, and implications.

A Business Review Committee was also appointed to provide the perspective of the business community regarding the series of issues.

The study began in August, 1990. In the early stages, NWREL investigators developed an operational framework, conducted interviews with superintendents of districts using Channel One in Washington, interviewed a sample of districts which decided not to use the program, and conducted a review of policy positions in other states and national associations. Three meetings with the Ad Hoc Advisory Committee were held (October 10, 1990; November 5, 1990; December 20, 1990) to review the study design, develop and assess policy options, and develop final recommendations to the Superintendent of Public Instruction.

4. The Policy Assumptions

On October 10, 1990, the Advisory Group reviewed the NWREL study team's suggested guiding assumptions as follows:

- Schools need reform and restructuring to prepare students for the Twenty First Century. Technology can and should be an important tool in this restructuring.
- "Electronically transmitted" information/instruction has been proven to be effective under certain conditions.
- Students need to be better informed about current affairs.
- Every avenue of potential business-government-school cooperation deserves exploration and study.
- The welfare of students should always come first.
- "Local control" is a valued American tradition, but education is ultimately a state responsibility.

5. The Policy Issues

The Advisory Committee also discussed a list of key issues that must be examined related to commercialism in the schools. These included curriculum and instruction, legal, ethical, and fiscal issues. Section IV describes these issues in greater detail.

6. Criteria in Judging Policy Options

The Advisory Committee agreed that the following criteria should be used as the screen in examining policy options to deal with the issue of commercialism in the schools.

To what extent does the proposed activity, program, or material:

- meet constitutional or statutory requirements?
- impact, negatively or positively, the existing instructional goals?
- impact, negatively or positively, the existing curriculum?
- impact, negatively or positively, the use of instructional time and time on task?
- capitalize on students as a captive audience for commercial gain?
- suborn or tempt teachers and/or administrators?
- impact, negatively or positively, contemporary community standards?
- offer an appearance of impropriety?
- have negative or positive affects on other aspects of social policy dealing with public education and the private sector?

It should be noted that the initial work in the study has focused on a broad set of issues related to commercial sponsorship and promotion. Then the options are narrowed to those dealing with the electronically transmitted educational programming that contain commercial promotions. An understanding of the broader policy context of commercialism in the schools was necessary in order to develop, then, a focused set of preferred options to deal with electronically transmitted programming with commercials.

C. HOW THE STATES ARE RESPONDING TO THE CHANNEL ONE ISSUE

The variety of policy options attempted in Washington between 1989-90 tend to reflect the range of decisions made in state capitals across the country. These various state policy actions can be displayed on a continuum as follows:

1	2	3	4	5
Outright Ban by State Board or State Superintendent	Restricted Use by State Board or State Superintendent	State Guidance through Statement of Philosophy or Opinion by State Board or State Superintendent	No Position Taken	Conscious State Decision that it is a Local Decision

The primary actors in the other states are either the state superintendent or state board (sometimes in concert with or influenced by professional associations which have taken positions). The following sections present a review of the state actions along the policy continuum.

1. Outright Ban of Channel One

One state, New York, has established an outright ban on Channel One.

On June 16, 1989, the New York State Board of Regents unanimously agreed that a local district contract for the Channel One program would violate the state's constitutional provisions preventing the use of public school property for private gain. The State's Education Commissioner made a strong appeal to the Board to bar the program. The Board concurred and directed the State Department to develop the necessary regulations to implement the policy. Their resolution read:

> VOTED, That the Regents oppose the introduction of commercial in-school television targeted at students in New York public schools; and that the Regents authorize the staff to develop regulations relating to commercial activity on school premises, consistent with New York statutory and decisional law.

The Department regulation then read:

> Section 23.2 Prohibition of commercial promotional activity in the public schools. Boards of education or their agents shall not enter into written or oral contracts or agreements for which the consideration, in whole or in part, consists of a promise to permit commercial promotional activity on school premises, provided that nothing in the Part shall be construed as prohibiting commercial sponsorship of school activities.

In August, 1989, California's State Superintendent, Bill Honig, advised all California county and school district superintendents that the Channel One program was in violation of state law and the California Constitution. Honig based his policy on a legal opinion from the State Department of Education's General Counsel. Honig said, "Based on California Education Code section 46000, I cannot pay schools to have their students watch commercials. Therefore, I will not certify as 'instructional minutes' any time spent watching advertisements in any broadcast similar to that proposed by 'Channel One'. The proposal by Whittle Communications is to use curricular time for commercial purposes. This use of time, having been paid for by the state, may also constitute a violation of constitutional requirements for free public schools and against illegally gifting public funds. This finding is underscored by the fact that the $50,000 worth of hardware and maintenance offered by Whittle Communications is less valuable than the cost of the time spent watching the advertisements over the proposed life of the contract." (Honig estimated that if all middle and high schools showed Channel One, the cost of the two minutes of commercial time daily would be $50,000,000 per year.)

In addition to the instructional time issue, Honig's policy focused on the "captive audience" criticism of Channel One. He cited the legal opinion that a "barter" arrangement which provides a monopoly to Whittle (captive audience of students required to watch the commercials) in exchange for free equipment and programming violated the free school guarantee of Article IX, Section 5 of the California constitution. In addition, Honig stated that such bartering was not authorized by specific statute and was "not legally consistent with the purpose for which schools were created."

A year after Honig attempted this ban, the California State Board of Education expressed a different viewpoint. On October 12, 1990, the Board passed a resolution, stating in part:

> NOW THEREFORE, BE IT RESOLVED, that the State Board of Education believes decisions concerning the use of commercial products and services are within the decision-making authority of the local governing boards, consistent with state law, and
>
> BE IT FURTHER RESOLVED, that local governing boards should carefully and thoroughly preview any decision regarding the use of electronic media in the classroom, and
>
> BE IT FINALLY RESOLVED, that the State Board of Education encourages the local governing boards to review on an ongoing basis the content, quality, presentation, and impact of electronic media as implemented through the instructional plans developed by the teachers.

As of this writing, it is unclear whether Honig's position or that of the State Board will prevail.

Following the lead of these two large states, in May of 1990 the Kentucky Board of Education approved a resolution barring school districts in the state from signing contracts to show 'Channel One'. They later reversed this position and adopted a position that local districts could use Channel One for non-instructional time. One other state, Rhode Island, reports that distribution of advertising in any form in public schools is illegal according to existing state statutes.

2. Restricted Use

The North Carolina State Board of Education also attempted an outright ban similar to those in New York, California, and Kentucky. This was after more than 100 schools in the state were already under a signed Channel One contract. The Board's initial effort to ban the program from the state was overturned on a procedural violation in March 1990. But the Board was later successful in imposing restrictions on the existing contracts and any new contracts to the extent that no school could use the twelve minutes of Channel One in the regular school day.

Then, in the summer of 1990, the North Carolina legislature passed legislation which placed decision-making authority in local district hands as follows:

> Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

A case is now being adjudicated in the North Carolina Supreme Court. Two of the key issues in this case are (a) whether the 1990 legislation is consistent with the state constitution, and (b) whether local districts can legally delegate control over programming to private vendors.

In Missouri, the State Board of Education adopted a resolution asking the State Department of Education to draft regulations prohibiting counting Channel One time as legitimate instructional time. Tom Davis, President of Missouri's Board of Education, said:

> We support creative uses of new technology, but we are deeply concerned about 'giving away' limited instructional time during the school day. Personally, I am less concerned about the commercial content of this program than I am about its potential for disrupting the curriculum and being inappropriate for some classes.

Missouri's Commissioner of Education Bartman added:

> Whether a school district wants to use Channel One is a local decision. However, the State Board of Education does have an interest and an obligation to protect the minimum time available for focused instruction...The State Board's decision is intended to reaffirm the integrity of the classroom and protect the time available for instruction.

In Louisiana, Representative Roy L. Brun requested a formal legal opinion from the State Attorney General regarding the legality of a Channel One contract with the Caddo Parish School District. In response, the Attorney General focused first on the question of the State Board for Elementary and Secondary Education's (BESE) legal purview regarding the matter. His March 23, 1990 opinion stated, in part:

> ...the legislature has mandated that all audio-visual instructional materials be 'thoroughly screened, reviewed and approved as to their content' by BESE... Without such review and approval, the use of the Whittle Network programming not only violates R.S. 17:352, and Art. VIII, Section 3(A), but also the statutes governing minimum instructional time for a school day and minimum school days, as the broadcast would not qualify as legally valid instructional time.

Further, the Attorney General reviewed the Channel One contract in the context of constitutional requirements. His conclusion:

> We know of no provision of law which authorizes a parish school board to condition any instructional program upon the student's involuntary viewing of commercial advertising, which inures to the profit and economic gain of a private enterprise. A free public education is a constitutional right. The Constitution ordains that it shall be provided for by the legislature, and not for profit by private enterprise (La. Const. Art. VIII, Sec. 1, 1974).

The State Board later voted to delegate the decision whether or not to show Channel One to the local districts. However, the Board did prohibit counting Channel One time toward the state-mandated 330 minute instructional day.

These "restricted use" states have not prevented schools from contracting for Channel One. November figures from Whittle Communications indicate the following number of schools using the program:

- North Carolina, 150 schools
- Missouri, 70 schools
- Louisiana, 346 schools

3. State Guidance through Statements of Philosophy or Opinion by State Board or Superintendent

Numerous formal and informal philosophical opinions have been issued by state boards and superintendents regarding the Channel One issue. In several states, this is the limit of the policy action. A sampling of opinions, intended to give nonrestrictive, nonbinding guidance to local districts follows.

Georgia's State Superintendent, Werner Rogers, in a memo to local district superintendents:

> As you know, Georgia has long been a leader in using videos to support learning. The Department staff is currently looking into use of a number of new technologies to determine if they have a role in classroom instruction. However, Channel One, as currently configured presents a number of concerns that you will need to examine carefully.

Alaska's former Commissioner of Education, William Demmert:

> The Alaska Department of Education favors business-education partnerships, however, this project does not appear to be part of clearly articulated educational objectives.

Massachusetts' Commissioner of Education, Harold Raynolds, Jr.:

> Based on what we currently know about this venture, there is no educational justification for compelling students to sit through 2 minutes per day of commercials for jeans, candy bars, athletic shoes and automobiles in order to receive 10 minutes per day of news and information on current events. For schools that want to provide a daily news service for students, noncommercial alternatives to the Channel One approach exist, and more are being developed...This would amount to the biggest advertising grab in memory, and I am totally opposed to it.

The New Hampshire Department of Education recommended that their State Board adopt a policy which would recommend local districts not participate in projects which require forced viewing of advertising in the classroom.

The above statements are statements of strong opinion. However, in these states, a local district could ignore this guidance and proceed to contract for Channel One.

4. No State Position

The majority of states have yet to take an official policy position on electronically transmitted programming which contains commercial promotion. It would appear that the lack of conscious policy action in a state clearly presents a potential for continued confusion regarding the legality and appropriate locus of policy control.

5. Conscious State Decision that it is a Local Decision

In Oregon, the State Department of Education requested an Attorney General's opinion regarding Channel One. The October 4, 1989, decision focused on whether the Channel One program's purpose was instructional and thus under the purview of State Board of Education control. Assistant Attorney General McKeever said that programs such as Channel One, CNN Cable News, and the Discovery Channel did not fall under his interpretation of the state's legal definition of instruction and,

> Electronically transmitted programming which is not instruction need not be approved by the board in order to be used in public school classrooms. The term instruction is not defined under ORS 354.410 to 354.440. Statutes dealing with teachers' certification define 'instruction' as: 'Direction of learning in class, in small groups, in individual situation, in the library and in guidance and counseling...'
>
> Under the teacher certification statutes, only certificated teachers may give instruction to students.

But McKeever also said that the State Board could legitimately adopt rules limiting or prohibiting Channel One under its broad statutory authority. "The issue of whether the board should adopt rules in this area is a policy matter for the board to determine."

The Oregon Board then decided that the matter was one of local control, while expressing its reservations and concerns about the commercial advertising, and indicating that the commercial time should not be counted in meeting minimum instructional time requirements.

Several other states, such as Arizona, Indiana, Colorado, Iowa, New Mexico, Oklahoma, and Delaware, have reported similar policy positions.

6. Conclusion

The above review presents an array of approaches which merit careful consideration. As the State of Washington considers the possible limitation, restriction, or allowance of electronically transmitted programming containing commercial advertising, this continuum provides an organizer for policy options for state policy leaders to consider. The Ad Hoc Advisory Group's analysis of this array of options which emerged during the October 10, 1990, session is presented in the following section.

II. POLICY OPTIONS CONSIDERED

INTRODUCTION

The policy options presented on the following pages were reviewed by the Ad Hoc Advisory Committee in its meeting with OSPI and NWREL staff on October 10, 1990. The options were suggested by the NWREL study team and assessed by the Advisory Committee. A list of potentially positive and negative consequences which emerged from the October 10 session is provided for each option.

A. OPTION #1: "FLAT LEGISLATIVE PROHIBITION OF ANY COMMERCIAL ACTIVITIES, PROGRAMS, OR MATERIALS IN THE SCHOOLS."

1. Positive Consequences
   a. This could free schools from most commercial activities and thus eliminate any ethical dilemmas schools currently face due to such activities.
   b. This would also remove the inducements offered by suppliers, thus removing the potential for perceptions that educators are being "suborned" or "bribed" by the commercial vendors.
   c. A sharper focus on strictly educational endeavors would be created through this option. There would not be interference and interruption in instructional time due to commercial activities.
   d. Implementation of this option would give us a sharper view of the true educational costs of schooling (as some costs are now being borne by commercial vendors).
2. Negative Consequences
   a. This would result in an increased cost of education to the taxpayers through eliminating the free and inexpensive materials contributed by the private sector.
   b. This option may not be legal.
   c. It is unlikely that this option would be politically supportable.
   d. The option would seriously damage the possibility of school/business partnerships.
   e. There would be a major loss of local control under this option.
   f. It would be difficult to define all commercial activities to be ruled out.
   g. The option would give students an unreal picture. The "real world" involves commercial activity as a major societal activity.

h. By ruling out the use of any commercially developed/sponsored materials, this would make the teachers' job more difficult. They would have to develop many more supplementary materials themselves.

i. This could also damage the entrepreneurship of educators. Currently, many materials are developed by educators, then marketed commercially. This option would eliminate this opportunity.

B. OPTION #2: "LEGISLATIVE ACTION PROHIBITING COMMERCIAL ACTIVITIES, PROGRAMS OR MATERIALS WHOSE 'PRIMARY PURPOSE AND EFFECT' IS COMMERCIAL, RATHER THAN EDUCATIONAL."

1. Positive Consequences

   a. This option would greatly clarify what is now a confusing picture of commercial activities. It would identify what matches the educational mission of schools and what doesn't.

   b. This would provide the legislature with the opportunity to provide leadership in clarifying direction and a sharper understanding of educational quality vis-a-vis commercialism.

   c. The very process of developing the definition of primary purpose would elevate the public policy discussion about the important matter of commercialism in schools.

   d. This would give the private sector a clear-cut standard to follow in developing relationships with schools.

   e. Instructional materials would be freed from commercial influence.

   f. This could be an important "middle ground" solution to the problem of commercial influence in the schools.

2. Negative Consequences

   a. Developing legislative agreement on the "primary purpose" distinction would be extremely difficult.

   b. Effective enforcement of the policy would require a very tight definition of what would be appropriate and inappropriate.

   c. This would restrict local control.

   d. This could require greater OSPI resources for monitoring compliance.

   e. This would likely lead to the elimination of some traditional, long-standing business/school partnerships.

   - f. This could lead to other legislative "tinkering" with educational definitions and instructional matters.
   - g. This would likely lead to loss of use of some good instructional materials and activities.
   - h. A proliferation of lawsuits would be likely as a result of this option.

C. OPTION #3: "LEGISLATIVE ACTION PROHIBITING SPECIFIED TYPES OF COMMERCIAL ACTIVITIES, PROGRAMS, OR MATERIALS WHICH CONTAIN ADVERTISING."

1. Positive Consequences
   - a. By eliminating advertising, this could help reduce the peer pressure to buy the "name brand" goods, many of which poor students cannot afford.
   - b. This could be a major positive step in narrowing the range of commercial activities to the ones that are least intrusive in the school.
   - c. This could eliminate the current "exclusive rights" provision in some Channel One advertising which allows one company exclusive rights to advertise over its competitors, thus not giving students information about options.
   - d. This could increase the amount of allocated time for instruction by eliminating the time devoted to advertising.
   - e. Development of this definition could lead to a sharper definition of what is socially responsible advertising in the schools.
2. Negative Consequences
   - a. This would be a limitation on local control.
   - b. This could eliminate some useful materials/activities because they contained the forbidden types of advertising.
   - c. This could eliminate some opportunities to teach students how to critically judge advertising and propaganda.
   - d. Reduction in the number and types of business/school partnerships would be a natural consequence of this option.
   - e. It would be very difficult to develop a specific set of well defined, enforceable criteria.
   - f. By eliminating some types of advertising, this could reduce the "relevance" and "real world" nature of schooling.
   - g. This could heighten the possibility of approved advertisers to continue to suborn educators.

D. OPTION #4: "LEGISLATIVE ACTION DELEGATING TO THE STATE BOARD OF EDUCATION, IN LANGUAGE WHICH CONVEYS CLEARLY THE 'LEGISLATIVE INTENT', THE AUTHORITY AND OBLIGATION TO REGULATE THE USE OF COMMERCIAL ACTIVITIES, PROGRAMS, AND MATERIALS IN THE SCHOOLS. THE LANGUAGE EXPRESSING LEGISLATIVE INTENT SHOULD REFLECT THE POLICY PRINCIPLES AND ADDRESS THE POLICY ISSUES ENUMERATED ABOVE (IN THIS STUDY'S OPERATIONAL FRAMEWORK)."

1. Positive Consequences

    a. This could provide the local districts with useful guidance and direction, something they now lack in this area.

    b. The legislative statement of policy principles and issues could be a helpful way to inform the public about appropriate and inappropriate commercial activities in the schools.

    c. This could provide an incentive for businesses to become involved in school activities, under a set of public policy standards and guidelines.

    d. This approach could allow for flexibility in amending guidelines over time. (The legislative statement of principles and issues could remain firm, but State Board and OSPI guidance could change to meet new conditions.)

    e. This would allow the legislature to take a clear-cut stand on the issue of commercialism.

    f. This approach is consistent with legislative practice of direction setting, but delegation of regulation to state boards or agencies.

2. Negative Consequences

    a. This has the potential to create more regulatory bureaucracy.

    b. This could be perceived by the public as the legislature "passing the buck" and not really dealing with the issue.

    c. Commercial vendors might interpret the lack of specific regulations emanating from the legislature as free reign to expand their commercial activities.

    d. Depending upon the nature of State Board/OSPI regulations, this could restrict local control.

    e. It may be that the State Board and OSPI should be doing this without any legislative action.

E. OPTION #5: "LEGISLATIVE ACTION PROVIDING ADDITIONAL FUNDS TO SCHOOLS IN ORDER TO REMOVE THE TEMPTATION TO SUCCUMB TO COMMERCIAL OFFERS 'BECAUSE WE'RE POOR AND NEED THE MONEY/MATERIALS/EQUIPMENT'."

1. Positive Consequences

   a. Incentives provided under this option could cause schools to sharpen their mission around the activities for which incentives were provided (e.g. technology).

   b. This would clearly be the statesmanship thing to do. Schools are currently strapped for resources.

   c. There are advantages of this approach as a "funding incentive" rather than "more state policy regulation and control."

   d. This could greatly enhance equalized educational opportunities by providing equitable resources in areas such as technology to all schools.

   e. This would force vendors who provide some form of monetary value incentive to schools to re-examine

   f. This could also have the effect of justifying a more restrictive policy on commercialism, as the attraction of resources from vendors would be reduced through the state incentive funding.

2. Negative Consequences

   a. How would limits be set on this? Would this become a "bottomless pit" of requests for ever-increasing allocation of resources from the state?

   b. What is "free" is not always valued and used (e.g. the state incentive funding may go unused because it doesn't meet a truly felt local need).

   c. The availability of state resources could actually skew a local district's established set of priorities (e.g., if special technology equipment were given to a district that had chosen staff development as its top priority, it may cause the district to shift just to get the resources).

   d. Given the current economic and revenue climate, this may not be a feasible option.

   e. This option could lead to higher taxes.

F. OPTION #6: "NO LEGISLATIVE ACTION CONCERNING COMMERCIALISM IN THE SCHOOLS ON THE GROUNDS THAT THE MATTER IS EXCLUSIVELY ONE OF LOCAL CONTROL."

1. Positive Consequences

    a. From the perspective of the local district, this allows the greatest freedom for local control and decision making.

    b. This freedom could foster a lot of creativity and innovation in use of commercial materials/activities.

    c. Without state interference, development of ethical guidelines by the professional educational associations might be forthcoming.

    d. This would allow time to truly evaluate current efforts such as Channel One. There is no current significant evidence of its effects. Legislative action could be taken later after the evaluation results are determined and reviewed.

    e. If this were combined with Option #5, the issue would likely go away, as the attractiveness of commercial offers would be offset by adequate resources.

2. Negative Consequences

    a. This would result in continuing confusion and divergent interpretations of what is appropriate/inappropriate.

    b. This allows the private sector to continue to control part of the curriculum.

    c. This could be perceived as a "legislative cop out."

    d. The controversy would be shifted to the local communities, allowing the state to avoid responsibility in this area.

    e. This could water down existing state standards and requirements (e.g., the systematic review of instructional materials, the use of certified teachers in classrooms, etc.).

    f. No legislative action will exacerbate unequal opportunities ("The rich get richer; the poor get poorer").

III. PREFERRED OPTIONS

Based on the Ad Hoc Advisory Committee's analysis of the options in the previous section and the Washington Attorney General's opinion, they have developed four preferred options for dealing with the issue of electronic transmission of educational programs which contain commercials. These four options were assessed at a work session on December 20, 1990. The four preferred options are:

A. **Option 1: The legislature establishes a formal statement of its position regarding the issue. It will then delegate to the State Board of Education and OSPI the responsibility to issue regulations (WACs) governing the process for local districts selecting and using electronically transmitted programming containing commercials.**

B. **Option 2: The legislature establishes a formal statement of its position regarding the issue. It will then delegate the responsibility to the State Board of Education and OSPI to issue guidelines which provide suggested procedures to local districts for their selection and use of electronically transmitted programming containing commercials.**

C. **Option 3: The legislature takes no action. The current State Board of Education policy (announced on April 17, 1989) will remain in effect.**

D. **Option 4: The legislature adopts a statement that the issue is a matter for local boards to decide. This statement would require formal local board action if a district chooses to implement electronically transmitted programming containing commercials. No additional regulations or guidelines would be issued.**

The first two options above would require new state regulations or guidelines. Critical categories for these regulations or guidelines were suggested in the November 5, 1990, Ad Hoc Advisory Committee meeting. These are presented as part of Section IV, Recommendations (see page 30).

IV. RECOMMENDATIONS

RECOMMENDATION #1:

The study's first and strongest recommendation is that the Legislature, the Governor, and the Superintendent of Public Instruction take the necessary action to provide Washington schools with the technologies that are increasingly becoming educational resources more basic than textbooks and pencils.

This priority recommendation is based on the increasing awareness and recognition that technology is pervasive in our daily lives. There is also acknowledgement that technological advances represent a significant untapped potential for improving student learning and contributing to educational initiatives. As technology becomes more basic to sound education, the widespread use and application of it will be dependent upon two factors:

1. Access to the technology; and
2. Training in the use and applications of the technology.

If we are to be truly competitive in the global marketplace, our schools must be provided the resources to help them acquire the necessary technology (computers, televisions, satellite downlinks, videodiscs, etc.).

RECOMMENDATION #2:

The second recommendation confronts the issue of state vs. local control in determining whether or not the issue of electronically transmitted programming containing commercials is appropriate in classrooms.

> The Legislature should adopt a statement that selection and use of electronically transmitted programming containing commercial advertising is a matter best left for local boards to decide. This statement should also contain a directive that formal board action must be taken if a district chooses to implement such programming. This board action must include, but not be limited to, use of the state's required instructional materials selection process (28A.320.230). Furthermore, it is recommended that the legislature direct the State Board of Education to develop guidelines, as outlined below, to assist districts in their decision-making process to use or not use electronically transmitted programming containing commercials, and to guide potential implementation of such programming should districts opt to use it.

Guidelines

1. Guidelines related to the process of deciding whether or not to implement electronically transmitted programming which contains commercials, and
2. Guidelines related to implementing such programming should a district so decide.

Guidelines Related to the Decision Process

- Significant and broad-based community and staff involvement
- Decision process clearly detailed and disseminated
- Use of the established instructional materials selection process
- Formal consideration and analysis of the following key issues:

a. Curriculum and Instructional Issues

- Do the proposed activities, programs, and materials mesh with the stated educational goals? Are vendors controlling educational content?
- Is the concept of "time-on-task" respected?
- Will opinions and advertising embedded in trusted educational materials be accepted by the students as "facts"?
- Are the materials appropriate to the age and maturity level of the students?
- Do the materials meet other quality standards?
- Are opportunities for prior review available?

b. Legal Issues

- Are the commercialized materials ones which are permitted under state statutes and OSPI regulations?
- Do they intrude on the order and discipline of the classroom, or do they constitute "material and substantial" disruption (reference: the Tinker case)?
- Is the "primary purpose and effect" educational (reference: Lemmon v. Kurtzman)?
- Does their use or exclusion from the classroom comply with the "limited open forum" concept?
- Have basic legal principles been followed (e.g. the "balancing test" and the "prudent person" concept)?

c. Ethical Issues

- Is it ethical to offer a "captive audience" of students?
- Are the teachers or administrators being suborned or "bribed" by the commercial offer?

d. Fiscal Issues

- Do the fiscal gains to the school derived from the use of the proposed activities, programs, or materials represent a fair trade-off for possible violations of ethical, legal, or curricular values?
- Fiscally, is the school really getting a "good deal"? Are there other alternatives that are more attractive from a fiscal standpoint?
- Does the offer provide the potential for a value-added benefit to the school?
- Does the district get title to the equipment?

- Consideration of relevant research and how other states and local districts are responding to the above issues.
- Formal adoption of a local Board policy on the issue of commercialism.

Possible Areas for Guidelines Related to Implementing Electronically Transmitted Programming Containing Commercials

- Formal ongoing evaluation of the impact of the content of the program and the commercials on student outcomes and the extent to which it meets community standards.
- Reporting evaluation results to the local community.
- Opportunity for students to "opt out" of participating.
- Clear local definition of "electronically transmitted programming containing commercials" (including whether it applies to co-curricular as well as curricular activities).
- Staff training in how to teach about commercials and advertising techniques.

RECOMMENDATION #3:

The Comercialism in Schools Study was limited in scope by the authorizing legislation directing the study and by state budgetary language. Nonetheless, the study did bring to light several state policy issues which require further study. The third recommendation is that the State Board of Education establish a representative task force to address the following issues:

1. Since implementation of Channel One is a relative recent event, we currently lack evaluative information on the quality of the content of the programming and its impact on student knowledge and attitudes of current affairs. Information resulting from formal evaluations should be compiled and assessed by state policymakers over the next several years.
2. One of the central issues with which states are wrestling is the impact of programs such as Channel One on instructional time. But Channel One is but one of many

intrusions on such time by non-profit as well as for-profit commercial ventures. A full assessment of the many intrusions on instructional time should be conducted, and policy recommendations developed.

3. This issue of commercialism in schools is much broader than those activities which are electronically transmitted. We currently lack state or local policies providing guidance on this important issue. Policy recommendations dealing with this broader issue of all forms of commercialism should be developed.

Following completion of the task force study, the State Board should adopt a comprehensive policy regarding the use of electronically transmitted programming containing commercials, and commercially supported or sponsored activities, programs, and goods and services in schools.

APPENDICES

COMMERCIALISM IN SCHOOLS BIBLIOGRAPHY

"4200 Schools Sign Up for Classroom News Show," Bremerton, Washington Sun; September 21, 1990.

"ACT Hall of Fame Award to CNN Newsroom; Advocacy Group Offers Strategies to Combat 'Whittle-ization" (ACT Press Release, Monday, March 5, 1990).

"Against School Tide," (editorial) The Memphis Commercial Appeal; June 11, 1989.

"ASCD Statement on Business Involvement in the Schools" (undated).

"Beam Me Up, Students," Time Magazine; May 22, 1989, p. 107.

California State Board of Education Resolution, Adopted October 12, 1990.

Carton, Barbara, "Official Fights Classroom News-and-Ads Show," The Boston Globe, June 8, 1989.

"Channel One: Are Schools Trading Captive Audiences for Free Equipment?" New Things Considered; Southwest Educational Development Laboratory, July, 1990.

"Classroom TV Ads Called 'Academic Acid Rain," The Communicator, June 1989 (a newsletter of the National Association of Elementary School Principals).

"Commercial Exploitation of Students in School," Official Position Statement of the National PTA (undated).

"Commercial In-School Television Report and Staff Recommendations," New York Board of Regents, June 16, 1989.

"Commercializing Education," (editorial) The Boston Globe; March 6, 1989.

"Commercializing Education," (editorial) The Boston Globe; Monday, March 6, 1989.

Crohn, Leslie and Olson, Thomas, "Commercialism in Schools: Report of a Telephone Survey of Channel One Users and Nonusers in Oregon and Washington," submitted to Washington Office of Superintendent of Public Instruction by Northwest Regional Educational Laboratory, September 28, 1990.

Crohn, Leslie,"The Effects of Television Viewing on Children: A Selected Literature Review," Draft submitted to the Washington Office of Superintendent of Public Instruction by the Northwest Regional Educational Laboratory, November 1990.

Crohn, Leslie; Hansen; Kenneth and Olson, Thomas, "Commercialism in Schools Study: A Policy Briefing Paper," Draft submitted to Washington Office of Superintendent of Public Instruction by the Northwest Regional Educational Laboratory, October 22, 1990, revised draft submitted December 5, 1990.

"Distance Learning Programs Containing Commercials," a policy study conducted for the Oregon State Board of Education, November 29, 1989. (contains a review of positions of various professional associations and state boards and departments of education).

Donaton, Scott, "Whittle: Channel One is a Hit," Advertising Age; September 18, 1989.

Draft Resolution Regarding Commercial Broadcasts in Public Schools, California State Board of Education, July 13, 1989.

Goodman, Ellen, "Commercial School Space for Rent," The Boston Globe; Thursday March 2, 1989.

Goodman, Walter, "Are Commercials in the Classroom Cause for Alarm?" The New York Times; Sunday, June 18, 1989.

Graves, Bill, "Classrooms Tune In," The School Administrator; March 1990, pp8-16.

Graves, Bill, "Students Tune In to TV Program," The Oregonian; September 18, 1990.

Hansen, Kenneth H. and Olson, Thomas A., "Commercialism In Schools Study: Operational Framework," (paper submitted to Washington Office of Superintendent of Public Instruction, October 1, 1990.

Hill, Susan, "Channel One to Start in District 15," Edmonds, Washington Enterprise, December 13, 1989.

Hirschberg, Lynn, "Is Chris Whittle the Devil?" Vanity Fair; March 1990, pages 196-234.

"Honig Explains Why Channel One is Barred from California Schools," News Release from the California State Department of Education, August 4, 1989.

Hume, Scott, "Channel One Ads Bug Adults, Survey Shows," Advertising Age; August 14, 1989.

Hynes, Leslie, "Parents Voice Concern About Video News Show," Snohomish, Washington Tribune, November 15, 1989.

"Is the Classroom for Blackboards or Billboards?" (editorial) Consumer Reports; May 1989

Johnson, Bradley, "California Moves to Ban Whittle's Channel One," Advertising Age; May 29, 1989.

"Let Schools Choose Channel One," (editorial) The New York Times; Friday, June 16, 1989.

Letter and attachments to Cheryl Lemke, Washington Office of Superintendent of Public Instruction from Chris Whittle, Whittle Communications, Inc. (critique of October 22 policy briefing paper), November 15, 1990.

Letter from Commissioner William Demmert, State of Alaska Department of Education to Peggy Charren, President, Action for Children's Television, March 13, 1989

Letter to Louisiana State Representative Roy L. Brun from Charles J. Yeager, Assistant Attorney General, State of Louisiana, regarding legality of Channel One, March 23, 1990 (opinion number 90-120).

Letter to Marva Hutchins, Assistant Superintendent, Oregon Department of Education, from Joe Gordon McKeever, Assistant Attorney General, State of Oregon, stating legal opinion on distance learning programs (No. 581-001-ED034-89) October 4, 1989.

Letter to Mr. Gene Wilhoit, Executive Director, National Association of State Boards of Education from Henry E. Pogue, IV, Chairman, State Board of Education, State of Kentucky, May 18, 1989.

Letter to the House of Representatives, State of Washington, from Booth Gardner, Governor, March 27, 1990 (veto message regarding SHB 2403.

Lipman, Joanne, "Criticism of TV Show with Ads for Schools is Scaring Sponsors," The Wall Street Journal, March 2, 1989.

"Louisiana Sets Channel One Policy," School Board News; May 22, 1990.

Mahler, Richard, "Santa Fe Schools Turn Off Chanel 1," New Mexican; March 31, 1989.

"Major School Groups Blast Plan for Commercial TV in Classes," Education Week; March 8, 1989.

Maynard, Joyce, "Such a Deal," Chicago Tribune, March 5, 1989.

Memorandum to Carole Huxley, New York State Department of Education from Gary Marx, Associate Executive Direcctor American Association of School Administrators, Subject: Whittle Communicatons Channel 1 Program, June 8, 1989.

Memorandum to Educational Service Districts, Chief School Administrators and President, School District Boards of Directors from Grant L. Anderson, President, Washington State Board of Education, Subject: Commercialism in Schools, April 17, 1989.

Memorandum from Dick Moody, ESD 101 Manager of Governmental Affairs, to Larry Davis, Senior Analyst, Washington State Senate Education Committee, Subject: National Policies Regarding Channel 1, February 7, 1990.

Memorandum to Bill Honig, California Superintendent of Public Instruction, from Legal Office, California State Department of Education, Subject: Legal Opinion--Requiring Students to View Channel One and Other Similar Television Programs Sponsored by Commercial Advertisers, August 1, 1989.

Memorandum to California County and District Superintendents and Public Information Officers from Bill Honig, California State Superintendent of Public Instruction, Subject: State Department of Education Policy on 'Channel One' for In-School Audiences, August 1, 1989.

Memorandum to General Managers and Program Managers-All PTV Stations from William J. Pearce, President and General Manager, WXXI-TV, Rochester, New York, Subject: Channel One.

Memorandum to New York District Superintendents, Superintendents of Schools, School District Attorneys from Robert E. Diaz, Subject: Commercial Television, December 13, 1989.

Memorandum to Scott Thomson, Executive Director, National Association of Secondary School Principals from Lew Armistead, Subject: States Opposing Channel 1, October 11, 1989.

Memorandum to System Superintendents from Werner Rogers, State Superintendent of Schools, State of Georgia, Subject: Satellite Delivered Instructional Television, August 18, 1989.

Memorandum to Washington State Senator Nita Rinehart from Larry Davis, Senior Analyst Washington State Senate Education Committee, Subject: Curriculum Reform and Whittle, March 6, 1990.

Moore, Thomas, "The Blooding of Chris Whittle," U.S. News and World Report; November 6, 1989, pp 42-43.

"Mumford's Experiment," (editorial) Detroit News; May 27, 1989.

"NAPTS States Position on Whittle Service," Washington Update; May 16, 1989 (a newsletter of the National Association of Public Television Stations).

"NASSP Opposes Commercial Advertising," press release from the National Association of Secondary School Principals, February 27, 1989.

"National Council for the Social Studies Policy Statement on Commercial Television in the Classroom," adopted by Board of Directors, January 14, 1990.

"New Channel One Contracts Banned in North Carolina," School Board News; May 22, 1990, p. 5.

News Release regarding Channel One from Missouri Department of Elementary and Secondary Education, August 18, 1989.

Opinion of the Attorney General of the State of Washington in a letter to David H. Bruneau from Gregory Trautman, Assistant Attorney General, November 1, 1990, (AGO 1990 No. 13).

Ordovensky, Pat, "Principals Turn Off TV Show Proposal," USA Today; February 28, 1989.

Plaintiff Appellants' Brief, State of North Carolina, et. al., Plaintiffs v. Whittle Communications, et.al, Defendant-Counterclaimants and The Davidson County Board of Education, Defendent Intervenor and Counterclaimant v. The State of North Carolina, et. al., Counterclaim-Defendant

Ramsey, Krista, "Cincinnati School Board Turns Off Channel One," The Cincinnatti Inquirer; August 29, 1989.

Rhode Island State School Code 16-38-6, "Commercial Activities Prohibited."

Rothenberg, Randall, "P.T.A. Opposes School TV Plan," The New York Times; Friday, March 3, 1989.

Rudinow, Joel, "Channel One Whittles Away at Education," Educational Leadership; December 1989/January 1990, pp70-73.

Rukeyser, William S. "Channel One Creates Opportunity for 'Mutually Beneficial' Relationship," Education Week; March 22, 1989, p. 23ff.

Sample Policy on Selection and Adoption of Instructional Materials, Port Angeles, Washington School District (2311P).

Sample School Agreement, Whittle Communications Educational Network.

"Schools and Technology: Channel One and Beyond," The State Board Connection: Issues in Brief; July 1990.

"Selling America's Kids: Commercial Pressures on Kids of the 90's", Consumers Union of the United States, 1990.

"Selling To Children," Consumer Reports; August 1990, pp518-521.

SHB #2403, State of Washington, 1990

Sheinfeld, Lois P. "Dangerous Liaisons," Film Commentary; September/October, 1989, pp70-72.

"Slick, Quick 'Channel One' Hits the Airwaves--and More Controversy," The American School Board Journal; March 1990, pp. 10-12.

"Standards and Guidelines To Govern the Advertising That Will Appear in Channel One," Whittle Communications, Inc.

State of Washington Supplementary Appropriations Act of 1990, Section 122, "Video Telecommunications System."

"The Channel One Lynch Mob," (editorial) Advertising Age; June 26, 1989.

"The Selling of Our Schools," U.S. News and World Report; November 6, 1989, pp. 34-40.

Thomson, Scott D., "Whittle Plan Violates Public Trust, Relies on Worst Teaching Model," Education Week; March 22, 1989, p. 23ff.

"Today, Class, We'll Learn About Soap," Newsweek; March 20, 1989.

"Tune Out Channel One, Says Education Chief," News Release from the Massachusetts Department of Education, June 7, 1989

"Turner Plans to Give Schools An Ad-Free News Program," The New York Times; Thursday, April 27, 1989.

"Turner Unveils Commercial Free News Service for Schools," (press release by Turner Broadcasting System, Inc., April 26, 1989).

Verhovek, Sam Howe, "New York Bans A TV Channel From Its Schools," The New York Times; Saturday, June 17, 1989

Voorhees, John, "In-School TV Experiment's Altruism Smacks of Profiteering," Seattle Times; March 16, 1989.

Walsh, Mark, "N.C. Board Sues to Block the Use of 'Channel One," Education Week; February 28, 1990, p. 1ff.

"Whittle Channel One Educational Bargain," (editorial) The Knoxville Journal; Friday, June 9, 1989.

"Whittle Communications History and Background," provided by Whittle Communications (undated).

"Zap the Commercials," (editorial) The Christian Science Monitor. Monday March 6, 1989.

"Zapping the Commercials," Phoenix Gazette; March 6, 1989.

Zuckerman, Laurence, "Teacher or Trojan Horse?" Time Magazine; June 19, 1989.

DEFINITION OF TERMS
AND
RELEVANT LEGAL PRECEDENTS

Electronically Transmitted Commercial Promotion Activity

"...an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as televisions, videodiscs, computer programs, and video casette recorders." (Source: Washington SHB #2403)

Commercial Sponsorship

"...the sponsorship of an activity on school premises that does not involve the commercial promotion of a particular product or service." (Source: Washington SHB #2403)

Material and Substantial Disruption

Activities which interrupt or significantly interfere with the educational process. (The concept is defined in the historic Tinker case.)

Primary Purpose and Effect

The examination of school activities in light of their major intent, i.e., "Is the primary purpose and effect educational?" (The concept is found in Lemmon v. Kurtzman case.

Limited Open Forum

The requirement that schools maintain a limited set of equal opportunities for the consideration of ideas and opinions. If a particular type of activity is allowed by a school district, there must be equal opportunity for a forum of other similar activities.

Prudent Person

A legal concept that considers whether a person has acted in a prudent or responsible way by examining relevant information and/or relying on expert advice and opinion.

ILLUSTRATIVE POSITIONS AND OPINIONS ON CHANNEL ONE: "NEGATIVE NATIONAL AND POSITIVE LOCAL"

Illustrative comments and official position statements of national associations regarding Channel One are presented below. As will be noted, the national professional associations are almost universally opposed.

A. American Association of School Administrators (AASA)

Official position of AASA: The American Association of School Administrators opposed Whittle Communication' "Channel One" program primarily because it requires students in the classroom to view product commercials. The approach violates the following ethical principles:

- Commercial exploitation of a captive audience;
- The classroom is a marketplace for ideas, not for commercial products;
- Students in a classroom should not be used to develop a cost-per-thousand for the sale of advertising.

AASA also is concerned about time-on-task since Whittle Communications insists the entire program be seen by students. Schools already are hard-pressed to find the time they need to deliver the planned curriculum. Carving out an additional 12 to 15 minutes a day may not be reasonable in many schools.

Offering satellite dishes, satellite time, etc., as an incentive for schools to accept this program with its commercials does not handle these basic ethical concerns. Students should not be for sale or trade to any company.

B. National Association of Secondary School Principals (NASSP)

Official position statement adopted at the 73rd annual convention: "NASSP" opposes the introduction of commercial advertising into the classroom setting resulting in the forced attention of students or replacing instructional.

George Fowler, then NASSP President, added,"Advertising is not new in schools. We have ads in many school newspapers and on marque boards. But students are not forced to view the ads. They would be forced to watch commercial promotions in this television show."

C. National Parent-Teacher Association (PTA)

Official position states, in part; "RESOLVED, that the National PTA and its constituent bodies seek and support state and federal legislation and or regulations that would protect students from exploitation by prohibiting a business from bringing into the school any program that would require students to view advertising or to study specific instructional programs as a condition of the school receiving a donation of money or donation or loan of equipment.

D. National Association of State Boards of Education (NASBE)

Roseann Bentley, President, offers the position of NASBE: "We find that this is an improper intrusion into valuable instructional time and is an unwarranted and potentially harmful trend...We find absolutely abhorrent the concept of selling access to our nation's schools in a commercial marketplace. school should not give in to these overtures of trading student time for needed equipment. For educators to make this Faustian bargain is an abrogation of our responsibility to students and their parents and a caving in to corporate cynism of the worst kind."

E. National Education Association (NEA)

Keith Geiger, President, speaking for the association's policy adopted at the 1989 delegate assembly, notes: "NEA strongly opposes the commercialism of programs for students. Advertisements do not belong in the classroom when students are required to watch them."

F. American Federation of Teachers (AFT)

Albert Shanker, President, makes these comments: "...the Whittle proposal is a dangerous one. There's the question of using a public school with compulsory attendance for commercial purposes. There's also the fact that teachers may be forced to show programs that they do not believe will do their students any good because the district superintendent or school principal has ordered the use of the program so that the equipment is not pulled out of the school...Do kids--or for that matter, adults--really learn about history, geography, and current events by watching TV news? The overwhelming evidence is that they do not. Americans watch more TV and TV news than almost any other industrial nation. Yet, all surveys show that we're largely ignorant of history, geography, and current affairs...One last point: Poor urban districts will be under the most pressure to find merit in the Whittle proposal. But they should resist the temptation. Their large populations of disadvantaged students will be the ones most harmed by a formula of less academic time and more advertising time."

G. National Association of Elementary School Principals (NAESP)

Samuel Sava, Executive Director, offers his thoughts: "(Channel One) has the potential of being a kind of academic acid rain, trickling down through the years with possible damaging effects...Commercial advertising is alien to the very purpose and spirit of public schools."

H. National Council for the Social Studies (NCSS)

The NCSS Board of Directors in January, 1990, adopted a policy statement on commercial television in the classroom:

> The NCSS supports the use of a variety of teaching techniques, strategies, materials, and media for providing quality social studies instruction. Television programs can be appropriate in instruction. Television news programs can be used, but should meet the following criteria:

- Coverage of news events should be detailed enough so students can understand the context of the event. analysis of events and a variety of viewpoints, where appropriate, are desirable. The exclusive use of a series of thirty-second or one minutes "News Bytes," does not constitute a sound news program in terms of current events instruction.

- The program content should not include commercials.

- The teacher should be able to record the program, allowing for previewing and selection, and for using with students at a time appropriate to classroom instruction. In addition, the teacher should be able to use segments of the program as desired.

In addition to the above professional associations, Action for Children's Television (ACT), is leading a nationwide campaign to block the attempt by Whittle Communications to introduce TV commercials into schools. Peggy Charren, President, makes these points: "Whittle Communications, an agency in the business of putting advertisers together with new audiences, is wheeling a Trojan horse up to the door of the nation's schoolhouses. Schools find Whittle's proposition seductive because they think they will get TV equipment and programming at no cost. but the cost is in the price the guaranteed student audience will ultimately pay for the products it is induced to buy...It's an advertiser's dream to have the message on both sides of your commercial something the kids are going to get tested on...The whole thing is still being paid for by selling kids to advertisers."

The National School Boards Association has adopted a position that the matter is one of local control:

> Implicit in this is the fact that television programming and facilities are expensive and that some schools lack the funds to acquire and use such services.

William J. Saunders, Executive Director of the National Alliance of Black School Educators, offers a positive view of Channel One:

> Channel One is more than advertising. It is much more, and its opponents obviously do not care to acknowledge this. Channel One is news and current events that are packaged and designed for students so they can understand how the news affects them. Channel One is enticing and invites students into a world that they are often reluctant to, or simply do not, enter.
>
> The American schoolroom has changed very little over the past 50 to 100 years, but technology and the nature of the American workforce has changed significantly. Some schools have kept up with these changes and perhaps they do not need the technological resources and educational opportunities that Whittle Communications' Educational Network offers. But the majority of schools, the "have-not" schools, desperately need this chance to move into the 21st Century.

SUMMARY OF RESULTS OF INTERVIEWS WITH WASHINGTON DISTRICTS USING CHANNEL ONE

Introduction

The Northwest Regional Educational Laboratory (NWREL) has been contracted by the Washington Office of the Superintendent of Public Instruction to conduct a policy study of the issue of commercialism in schools mandated in the 1990 state legislature. The purpose of the study is to identify implications and the impact of commercial activities on educational programming and the educational system in general. The specific focus of the study is on those educational programs which are electronically transmitted and contain commercial advertising.

The survey reported in this document was conducted of superintendents in Washington who have contracted with Whittle Communications, Inc. to provide "Channel One," a televised daily twelve minute newscast. Up to two of the twelve minutes are devoted to commercial advertising or commercially sponsored public service-type announcements. Equipment to receive Channel One is provided by Whittle and includes a satellite dish, a master VCR to record the show, internal wiring of classrooms to the receiving station and television sets for each participating classroom. The Channel One newscast is augmented by The Educators Channel for staff development and The Classroom Channel, providing non-commercial educational programming.

The known list of Washington school districts which have contracted with Whittle and are using the Channel One program during the 1990-91 school year are:

BETHEL SCHOOL DISTRICT
Dr. Donald E. Berger, Superintendent
516 East 176th
Spanaway, Washington 98387-8399
(206) 536-7272

EDMONDS SCHOOL DISTRICT
Dr. Brian L. Benzel, Superintendent
3800 - 196th, Southwest
Lynnwood, Washington 98036-5789
(206) 670-7004

NORTHSHORE SCHOOL DISTRICT
Dr. Dennis Ray, Superintendent
18315 Bothell Way, Northeast
Bothell, Washington 98011
(206) 485-0417

PORT ANGELES SCHOOL DISTRICT
Dr. John Pope, Superintendent
216 East Fourth
Port Angeles, Washington 98362
(206) 457-8575

QUILLAYUTE VALLEY SCHOOL DISTRICT
Dr. Lew McGill, Superintendent
P. O. Box 60
Forks, Washington 98331
(206) 374-6262

RIVERSIDE SCHOOL DISTRICT
Jerry M. Wilson, Superintendent
Route 1, Box 277
Chattaroy, Washington 99003
(509) 292-0210

SEDRO-WOOLLEY SCHOOL DISTRICT
Dr. Pamela J. Carnahan, Superintendent
2079 Cook Road
Sedro-Woolley, Washington 98284
(206) 856-0831

SHELTON SCHOOL DISTRICT
H. Jerome Hansen, Superintendent
811 West Pine Street
Shelton, Washington 98584
(206) 426-1687

TOPPENISH SCHOOL DISTRICT
Dr. Roy E. Williams, Superintendent
106 Franklin Avenue
Toppenish, Washington 98948-1299

WASHOUGAL SCHOOL DISTRICT
Brent C. Garrett, Superintendent
2349 "B" Street
Washougal, Washington 98671
(206) 835-2191

Survey Questions

Superintendents of the participating districts were asked the following questions:

1. How does the program currently operate (time of day? in all secondary schools? linkages with curriculum and instruction the rest of the day?) Are you making other uses of the hardware?

2. What was the process used to decide on the contract with Whittle Communications, Inc.? Did this process surface controversy? If so, what was the nature of the controversy and how was it resolved?

3. What are your current impressions on the effectiveness of the program?

4. If you had to do it over again, would you make the same decision?

Analysis of Study Findings

Questions No. 1: How does the program currently operate?

The most typical practice is to provide the program during the early hours of the school day for all middle level and high schools, usually during a home room or advisory period. Most districts have added time to these periods to accommodate the program. One district offers a course to all students on contemporary issues. In this case, the course is offered to all students at the same time in the early afternoon. Channel One is shown during this time slot.

While clearly in the minority, several districts will be conducting a formal evaluation of the effects of the program. These districts have entered the contract for purposes of conducting a pilot test. "The jury is still out, and will be out until we look at our evaluation results,: said a superintendent of one of these districts. Most of the districts, however, have minimal, if any, plans for conducting a formal evaluation.

Most districts are beginning to experiment with ways to use the equipment for purposes beyond Channel One. One district is equipped with closed circuit television capability, for example. The Whittle equipment is providing the necessary hardware to make optimum use of this capability. In another district, the librarian beams other taped programs to one or more classrooms.

The instructional uses of the Channel One program vary widely. Most frequent subject areas where the program is used as a direct supplement are social studies, world problems, geography, and current events. Most superintendents reported widespread administrator and teacher satisfaction and enthusiasm for the program, citing many examples of how the program content is used as a stimulus for instruction during the school day. Several districts reported that they are using the commercials as a way to teach consumerism and propaganda techniques. In two districts, the hardware is also used as part of broadcasting and journalism units. Several superintendents said that their uses so far were "just the tip of the iceberg." They were confident that the "value added" benefits would be significantly greater in the ensuing years.

No superintendent reported difficulty in fitting the program into the school day. They reported that they had no problems in meeting state time and graduation requirements. Most districts also allow students the option to "opt out" of watching the program if their parents so request.

Finally, it appears to be universal practice among districts to assign someone the responsibility to preview every program prior to its showing to students. The only case we found of this resulting in not showing the program was a decision not to show one newscast to fifth graders in a middle school because the administrators felt the content was not appropriate to the age of the students.

Question No. 2: What Was the Nature of the Process to Decide on Using Channel One?

In virtually all cases, the process went as follows:

1. Superintendent or other administrators receive an inquiry from Whittle Communications, Inc. inquiring if they are interested.
2. Superintendent meets with the administrative team to determine whether the possibility should be pursued.

3. Principals meet with faculty to gauge their interest.

4. Administrative recommendation to proceed developed and submitted to the board.

5. Board decision. (In one district, superintendent did not seek board approval, but he did keep the board informed.)

We found few cases where the state-required Instructional Materials Selection process was used. The decision process appeared to be rather informal, without consistent considerations of known decision criteria. In most cases, there was little public (community) discussion prior to the board decision to proceed. And we found that most districts did not have an extant policy on commercialism which was useful in the decision process.

Across the board, the key factors which most influenced the decision to use Channel One were: (a) Access to broader programming and national information about current events, (b) a tighter connection to the "global community," (c) the attractiveness of the program (fast paced, use of graphics, etc.), (d) the availability of the equipment, (e) the potential for enriching the curriculum and expanding the uses of technology throughout the school day. As mentioned above, in several cases the motivation was to test the extent to which Channel One had the desired effects on student outcomes.

There were few districts that reported any controversy regarding the program prior to the board decision. In one district, a formal grievance has been filed since the decision, claiming inadequate opportunity for teacher input. But this case is definitely an exception to the general case of little, if any, disagreement or controversy during the decision stage. The reports of the negative positions of the various national professional organizations caused the superintendents some consternation, but most of them reported that such negative positions did not find their way into the local decision process.

Question No. 3: Current Impressions of Effectiveness

With the exception of the districts that entered the contract with a purpose of pilot testing and evaluation, the superintendents are currently very enthusiastic about the effectiveness of the program enriching student understandings about national and world affairs. They are also very positive about the expanding use of the Channel One newscast as a curriculum and instruction stimulus. Finally, they see high potential for expanding the uses of the equipment far beyond the Channel One purpose.Most superintendents expressed wonder at the national controversy in the face of the very strong enthusiasm and satisfaction at their local level. We did not find a negative comment about current uses of the program.

Question No. 4: Would You Make the Same Decision Again?

The superintendents were unanimous that they would make the same recommendation again based on their experience with Channel One so far. Several of them indicated that they would use a more systematic process which involved more people in arriving at the decision, but all those except the "pilot test" district superintendents are very satisfied with the benefits of the program. In the case of the pilot test districts, the superintendents were merely suspending judgement until the evaluation results were in. They did not express negative opinions of the worth of the program.

IN THE LEGISLATURE
of the

STATE OF WASHINGTON

CERTIFICATION OF ENROLLED ENACTMENT

SUBSTITUTE HOUSE BILL NO. 2403

PARTIAL VETO

Chapter 208, Laws of 1990

51st Legislature
Regular Session

EFFECTIVE DATE: March 27, 1990

Passed the House February 9, 1990 Yeas 93 Nays 0

Passed the Senate March 1, 1990 as amended Yeas 42 Nays 0

3/5/90: House refused to concur in Senate amendments and asked the Senate for a conference.

Senate granted request for a conference.

3/7/90: Senate adopted report of Conference Committee and granted powers of free conference.

3/8/90: House adopted report of Conference Committee and granted powers of free conference.

3/8/90: Senate adopted report of Free Conference Committee and passed bill as amended by Free Conference Committee.

Yeas: 42 Nays: 6

House adopted report of Free Conference Committee and passed bill as amended by Free Conference Committee.

Yeas: 97 Nays: 0

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled SUBSTITUTE HOUSE BILL NO. 2403 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Alan Thompson
ALAN THOMPSON, Chief Clerk

SUBSTITUTE HOUSE BILL NO. 2401
AS AMENDED BY FREE CONFERENCE COMMITTEE

State of Washington 51st Legislature 1990 Regular Session

by Committee on State Government (originally sponsored by Representatives Rector, Ballard, Peery, Silver, Heavey, Dellwo, Jacobsen, Nelson, Hankins, Miller, H. Sommers, Kirby, Winsley, McLean, Todd, H. Myers and Jones)

Read first time 2/2/90.

AN ACT Relating to video telecommunications; amending RCW 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, and 43.105.052; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.105 RCW; adding a new section to Title 28A RCW; creating new sections; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ((the)) a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

(1) State government use voice, data, and video telecommunications technologies to:

(a) Transmit and increase access to live, interactive classroom instruction and training;

(b) Provide for interactive public affairs presentations, including a public forum for state and local issues;

(c) Facilitate communications and exchange of information among state and local elected officials and the general public;

(d) Enhance state-wide communications within state agencies; and

(e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

((~~(2)~~)) (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

((~~(3)~~)) (4) Resources be used in the most efficient manner and services be shared when cost-effective;

((~~(4)~~)) (5) A structure be created ((~~(a)~~)) to:

(a) Plan and manage telecommunications and computing networks((~~,~~));

(b) ((to)) Increase agencies' awareness of information sharing opportunities((~~,~~)); and

(c) ((to)) Assist agencies in implementing such possibilities;

((~~(5)~~)) (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

((~~(6)~~)) (7) The state improve recruitment, retention, and training of professional staff; ((and))

((~~(7)~~)) (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as last amended by section 3, chapter 504, Laws of 1987 and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting

nd/or receiving visual and associated audio information. Video elecommunications shall not include existing public television roadcast stations as currently designated by the department of ommunity development under chapter 43.63A RCW.

Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as ast amended by section 4, chapter 504, Laws of 1987 and RCW 3.105.032 are each amended to read as follows:

(1) There is hereby created the Washington state information ervices board. The board shall be ((~~composed~~)) comprised of ((~~nine~~)) the members((~~;---Seven--members--shall-be-appointed-by-the overnor;-and-serving-at-the-governor's-pleasure-as--follows;---Three epresentatives-from-cabinet-agencies;-one-representative-from-higher ducation;-one-representative-from-a-noncabinet-executive-agency;-and wo--representatives--from--the--private--sector;---One--member-shall epresent-the-judicial-branch-and-be-appointed-by-the--chief--justice f--the--supreme--court;---One-member-shall-represent-the-legislative ranch-and-shall-be-selected-by-the-president-of-the-senate--and--the peaker--of-the-house-of-representatives~~)) identified under section 5 f this 1990 act.

((~~These~~)) (2) The members under section 5 of this 1990 act shall onstitute the membership of the board with full voting rights. ((~~The-director-shall-be--an--ex--officio;--nonvoting--member--of--the oard.~~)) The board shall select a chairperson from among its embers. A majority of the members of the board shall constitute a uorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ((~~that-the riginal--appointments--were--made~~)) as provided for under RCW 3.105.032.

((~~A--majority--of--the--members--of--the-board-shall-constitute-a uorum-for-the-transaction-of-business.~~))

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

BEST COPY AVA

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch; and

(7) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

Sec. 6. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary

LABLE

software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary((-));

((~~(5)~~)) (6) To develop and implement a process for the resolution of appeals by:

(a) ((By)) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ((By)) A customer agency concerning the provision of services by the department or by other state agency providers;

((~~(6)~~)) (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

((~~(7)~~)) (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

((~~(8)~~)) (9) To review and approve that portion of the department's budget requests that provides for support to the board((~~,-and~~

~~(9)--To--abolish--the--use--of--service--center--designations-and establish-necessary-policies-and-standards-to-allow-Washington--State~~

BEST COPY

~~University and the department of transportation to continue the practice of providing information services to other agencies and local governments~~)).

Sec. 7. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is

AVAILABLE

self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies((~~, in collaboration with the department of personnel and the higher education personnel board~~));

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; ((and))

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on the effective date of this section; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 8. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

NEW SECTION. Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) A video telecommunications advisory committee is created to advise the board on video telecommunications issues. The committee shall:

(a) Develop recommendations for the creation and utilization of state-wide video telecommunications resources;

(b) Assist the board in its development of a strategic direction for future state use of video telecommunications and a coordinated program for the state-wide use of video telecommunications;

(c) Develop a plan to encourage collaborative efforts among state agencies, institutions, and schools to make the most cost-effective use of video telecommunications equipment and resources;

(d) Develop recommendations for the board regarding the use of video telecommunications to conduct state business and expand educational opportunities in ways that are consistent with the overall strategic direction for the state-wide use of video telecommunications resources;

(e) In the event funds are made available, develop criteria for selection of pilot projects using video telecommunications in education, training, and the conduct of state business.

(2) The advisory committee shall be composed of fifteen members, to be appointed as follows:

(a) The director of the higher education coordinating board shall appoint:

(i) A representative from the staff of the higher education coordinating board; and

(ii) A representative from an institution of higher education with experience in use of video telecommunications as an instructional medium;

(b) The director of the state board for community college education shall appoint:

(i) A representative from the staff of the state board for community college education; and

(ii) A representative from a community college with experience in use of video telecommunications as an instructional medium;

(c) The superintendent of public instruction shall appoint:

(i) A representative from the office of the superintendent of public instruction;

(ii) A representative from a school district with experience in use of video telecommunications as an instructional medium;

(iii) A representative from an educational service district with experience in coordination of video telecommunications services; and

(iv) A representative from a public vocational-technical institute with experience in use of video telecommunications as an instructional medium;

(d) The director of the office of financial management shall appoint a representative from the office of financial management;

(e) The director of the department of information services shall appoint:

Vetoed

(i) Two representatives of state agencies with experience or interest in the use of video telecommunications to facilitate state business; and

(ii) Two private sector representatives with expertise in video communications technology and the use of that technology to facilitate business and expand educational opportunities;

(f) The speaker of the house of representatives and the president of the senate shall each appoint a member of the legislature with interest in the coordinated and collaborative development of state-wide video telecommunications resources; and

(g) The director of the department of information services, or his or her designee.

(3) The committee shall select a chairperson from among its members.

NEW SECTION. Sec. 12. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

COPY AVAILABLE

(a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;

(b) A description of the strengths and weaknesses of the current system;

(c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;

(d) Coordinated roles, responsibilities, and interrelationships among agencies;

(e) Policies and procedures for video telecommunications equipment and services; and

(f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 13. A new section is added to chapter 43.105 RCW to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act.

NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply to sections 15 and 16 of this act:

Vetoed BG

(1) "Commercial promotional activity" means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) "Commercial sponsorship" means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

NEW SECTION. Sec. 15. A new section is added to Title 28A RCW to read as follows:

Vetoed BG

The superintendent of public instruction, in cooperation with the Washington state school directors' association, shall notify all school districts of the study under section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under section 16 of this act are available.

Vetoed

NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the implications and impact of commercial promotional activities and commercial sponsorship activities on educational programming and upon the education system generally.

Vetoed

(2) The study shall include:

(a) Districts in Washington that have entered into a contract or agreement that permits, in schools, televised educational programming that includes commercial advertising; and

(b) To the extent possible, districts in other states that pilot-tested or are using televised educational programming in schools that includes commercial advertising.

(3) The study shall include an examination of the impact of such televised educational programming on:

(a) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(b) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(4) The superintendent of public instruction shall submit a report to the legislature and to all school districts not later than January 15, 1991. The report shall include findings and recommendations, including policy options relating to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1990.

Joe King

Speaker of the House.

Passed the Senate March 8, 1990.

Joel Pritchard

President of the Senate.

Approved March 27, 1990, with
the exception of sections
4, 5, 11, 14, 15 and 16, which
are vetoed.

Governor of the State of Washington

FILED

MAR 27 1990

SECRETARY OF STATE
STATE OF WASHINGTON

2:22 pm

Opinion

Ken Eikenberry

Attorney General of Washingt

DISTRICTS--SCHOOLS--EDUCATION

1. School districts have broad powers over curricula and instructional materials. Pursuant to this authority, a school district may select and use educational television programming even though that programming contains advertising so long as the primary and predominant purpose of the program is educational and the advertising content is incidental.
2. School districts have broad authority over the selection of instructional materials and the acquisition of school equipment and supplies. Pursuant to this authority, a school district may select school materials, supplies and equipment that contain advertising.

- - - - - - - - - - - - -

November 1, 1990

Honorable David H. Bruneau
Clallam County Prosecuting Attorney
Clallam County Courthouse
223 East Fourth Street
Port Angeles, Washington 98362-3098

Cite as:
AGO 1990 No. 13

Dear Mr. Bruneau:

By letter previously acknowledged, you requested our opinion on two questions that we have paraphrased as follows:

1. May a school district select and use educational television programming that contains advertising?
2. May a school district select and use curriculum materials, textbooks, athletic equipment, supplies, and other school-related materials that contain advertising?

We answer your questions in the affirmative for the reasons set forth below.

ANALYSIS

Question 1

Your first question concerns the use of educational television programs that contain commercial advertising, such as the program known as Channel One. This is a daily, twelve-minute satellite television program available to school districts. The majority of the program, approximately ten minutes, consists of news and current events. The remaining two minutes consists of commercial advertising. The Channel One program, together with all necessary reception and playback equipment, is provided to the school district without charge. The school district in return will show the entire program, including both the news and commercial segments, on the district's satellite-equipped television sets. In order to help assure that the programming is appropriate for the classroom environment, Channel One has agreed that certain types of products and services will be excluded from the commercial segments of the program.

Your question is whether school districts may obtain and use programs such as Channel One in their respective districts. We commence by observing that school districts in Washington are considered municipal or quasi-municipal corporations. As such, they possess the powers contained in express legislative grants, together with those that are necessary to, implied in, or incident to such expressed powers, and those that are essential to the declared objects and purposes of the district. Noe v. Edmonds Sch. Dist. 15, 83 Wn.2d 97, 103, 515 P.2d 977 (1973).

RCW 28A.150.230[1] grants school district boards of directors broad authority and responsibility over the content of their educational programs. This statute provides in part:

> (1) . . . In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

---

[1] The Legislature recodified chapter 28A RCW in the 1990 legislative session. Statutory references are as set forth in Laws of 1990, ch. 33, § 4.

> (2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:
>
> (a) Establish performance criteria and an evaluation process . . . for all programs constituting a part of such district's curriculum;
>
> . . .
>
> (e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

RCW 28A.320.230 further grants school district boards of directors broad authority and responsibility for the selection of instructional materials. This statute provides in part:

> Every board of directors, unless otherwise specifically provided by law, shall:
>
> (1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:
>
> (a) State the school district's goals and principles relative to instructional materials;
>
> (b) . . . [S]pecify the procedures to be followed in the selection of all instructional materials including text books;
>
> (c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. . . . ;
>
> . . .
>
> (f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby . . . .
>
> Recommendation of instructional materials shall be by the district's instructional materials committee in

> accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Washington courts have frequently referred to the broad authority granted school districts in matters involving educational curricula and instructional materials. In Adams v. Clover Park Sch. Dist. No. 400, 29 Wn. App. 523, 530, 629 P.2d 1336 (1981), the court noted that "[t]he determination of educational goals, programs and curricula is a matter within the broad discretion of the school board." Accord Peters v. South Kitsap Sch. Dist. No. 402, 8 Wn. App. 809, 816, 509 P.2d 67 (1973). In Camer v. Seattle Sch. Dist. No. 1, 52 Wn. App. 531, 762 P.2d 356 (1988), a case involving a parent's claim that the school district had failed to provide her child with adequate and proper education, the court elaborated further:

> [The statutory scheme] provides for periodic reviews of curriculum . . . by school district boards of directors, the SPI [Superintendent of Public Instruction], and the State Board of Education. These matters are, by practical necessity, largely discretionary with those charged with the responsibilities of school administration. Courts and judges are normally not in a position to substitute their judgment for that of school authorities, nor are [they] equipped to oversee and monitor day-to-day operations of a school system.

52 Wash. App. at 537. (Citation omitted.)

Accordingly, the courts have consistently declined to substitute their judgment for that of school districts in several cases involving discretionary district decisions, concerning not only the selection of curricula and instructional materials, but a broad range of school-related matters. See, e.g., Adams, 29 Wn. App. 523 (addition, elimination, and filling of teaching positions); Peters, 8 Wn. App. 809 (same); Millikan v. Board of Directors of Everett Sch. Dist. No. 2, 93 Wn.2d 522, 611 P.2d 414 (1980) (determination of acceptable teaching methods and curricula); Lane v. Ocosta Sch. Dist. No. 172, 13 Wn. App. 697, 537 P.2d 1052 (1975) (location of school bus stops); State ex rel. Lukens v. Spokane Sch. Dist. No. 81, 147 Wash. 467, 266 P. 189 (1928) (siting of school buildings).

Applying the above-cited statutes and case law to your question, we conclude that school districts may select and use educational television programming even though that programming may contain advertising. Where the primary and predominant purpose of the program is educational and the advertising content incidental, we believe the school district has authority to acquire the program pursuant to its broad powers over curricula and instructional materials. To phrase the issue as whether a school district may "engage in advertising" per se, we think, misstates the issue. Rather, the question here is simply whether the district may determine that, taken as a whole, the television programming in question will provide a valuable teaching tool for the district's classrooms. We conclude it has authority to do so.

Whether the exposure of students to incidental advertising will have a harmful, beneficial, or neutral impact is, of course, a question that may be much debated, and one upon which reasonable minds may differ. But policy determinations of this sort have been delegated to the school districts.[2] As we recently indicated in AGO 1989 No. 17 at 5, involving a school district's authority to lease out surplus space for the establishment of an adolescent health care clinic:

> [W]e believe the determination of a school district's best interests and the activities that are compatible with those interests . . . must be left to the informed discretion of the individual school district. It is neither our function nor duty to inquire into the wisdom of this determination.

We therefore answer your first question in the affirmative.

Question 2

> May a school district select and use curriculum materials, textbooks, athletic equipment, supplies, and other school-related materials that contain advertising?

For reasons similar to those set forth in our previous response, we answer this question in the affirmative as well. School districts have broad authority over the selection of instructional materials and the acquisition of school equipment and supplies. See, e.g., RCW 28A.320.230 (selection of books, supplies and other instructional materials); 28A.320.240 (stocking of libraries); 28A.335.170 (leasing of computers and other equipment); 28A.235.120 (equipping of school lunchrooms); 28A.335.190 (purchase of furniture, supplies and equipment through competitive procedures); 28A.320.110 (purchase of information and research services); 42.24.035 (purchase of magazines, other periodicals, and books).

---

[2] We note that in 1990 the Legislature appropriated funds to the Superintendent of Public Instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programing and the educational system in general. The Superintendent is to submit her report no later than January 15, 1991. The report is to include findings and recommendations, including policy options. Laws of 1990 1st Ex. Sess., ch. 16 § 122(3).

Furthermore, as indicated above, the courts have recognized the school districts' broad authority to exercise their discretion when carrying out school-related activities. None of the above statutes, nor any others to our knowledge, prohibit school districts from selecting school materials, supplies, or equipment that contain advertising. And given the pervasiveness of advertising in several school-related materials--magazines, journals, and newspapers, for example, are replete with advertising--we simply cannot conclude that the Legislature intended to bar school districts from acquiring otherwise permissible items simply because they contain advertising. We decline to read such a limitation into the statutes.

We trust that the above will be of assistance to you.

Very truly yours,

KENNETH O. EIKENBERRY
Attorney General

Gregory J. Trautman

GREGORY J. TRAUTMAN
Assistant Attorney General

GJT:ajp

SUPPLEMENTAL APPROPRIATIONS ACT

Section 122, Chapter 16,

Laws of 1990, 1st Ex. Session

NEW SECTION. Sec. 122 VIDEO TELECOMMUNICATIONS SYSTEM. $1,209,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) $179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to Chapter 20M, Laws of 1990; (2) $1,000,000 is provided solely for the purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system; and (3) $30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities in the public school system.

RCW 28A.320.230 Instructional materials - Instructional materials committee.

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

> (a) State the school district's goals and principles relative to instructional materials;
>
> (b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all, instructional materials including text books.
>
> (c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: Provided, That parent members shall make up less than one-half of the total membership of the committee;
>
> (d) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase.

COMMERCIALISM IN SCHOOLS

OSPI STUDY

DISTRICTS USING CHANNEL ONE

Riverside School District

Mr. Jerry Wilson
Route 1, Box 277
Chattaroy, Washington 99003

Northshore School District

Mr. Lee Maxwell
18315 Bothell Way N.E.
Bothell, Washington 98011

Washougal School District

Mr. Brent Garrett
2349 "B" Street
Washougal, Washington 98671

Bethel School District

Dr. Donald Berger
516 East 176th
Spanaway, Washington 98387-8399

Port Angeles School District

Dr. John Pope
216 East Fourth
Port Angeles, Washington 98362

Edmonds School District

Dr. Brian Benzel
3800 196th S.W.
Lynnwood, Washington 98036-5789

Quillayute Valley School District

Dr. Lew McGill
P.O. Box 60
Forks, Washington 98331

Sedro-Woolley School District

Dr. Pamela Carnahan
2079 Cook Road
Sedro-Woolley, Washington 98284

Shelton School District

Mr. H. Jerome Hansen
811 West Pine Street
Shelton, Washington 98584

Toppenish School district

Dr. Roy E. Williams
106 Franklin Avenue
Toppenish, Washington 98948-1299

Seattle School District

Charles Meding
Rainier Beach High School
8815 Seward Park Avenue South
Seattle, Washington 98118

Naches Valley School District

John Jones
Naches Valley School District
P.O. Box 99
Naches, Washington 98937

THE EFFECTS OF TELEVISION VIEWING ON CHILDREN: A SELECTED LITERATURE REVIEW

Adler, R. & Faber, R. (1980). "Background: Children's Television Viewing Patterns." In The Effects of Television Advertising on Children. Lexington, MA: D. C. Heath and Co., pp. 13-28.

- Watching television is a nearly universal experience for children growing up in this country; most children begin watching television at an early age.
- After age 2, the majority of children watch some television daily and average between three and four hours per day through age 11; this means a child is exposed to over 20,000 commercial messages each year, or approximately three hours of television advertising per week.
- Children's viewing of television is heaviest during prime-time evening hours and late afternoon (more than half of viewing by children aged 2-11).
- The weekend daytime "children's hours" represent less than one-fifth of children's total weekly viewing.
- Very young children tend to prefer specifically child-oriented programs, but their tastes rapidly broaden to include virtually the entire spectrum of program types; thus, by the time children leave elementary school, their program preferences are likely to be closer to those of adults than those of preschool siblings.

Anderson, D. & Collins, P. (1988, April). The Impact on Children's Education: Television's Influence on Cognitive Development. Washington, D.C.: Office of Educational Research and Improvement, 94 pp.

- The paper examines the theory that television viewing has a negative impact on school achievement; assertions examined in the paper and their findings are as follows:
  a. Television has mesmerizing powers over children's attention through the use of color, movement, and visual changes--no evidence was found to support this assertion; children's attention appears to be guided by comprehension of the program as well as participation in concurrent activities.
  b. Children's comprehension of television is extremely poor and they remember only disconnected images--this assertion is only partially verified; programs produced for young children are readily understood by preschoolers who can also understand longer situation-comedy programs; the assertion is true only for relatively complex adult-level dramatic presentations.
  c. Children do not think about television programs, that is, they do not engage in inferential and reflective thought while viewing television--contrary to popular assertions, children are cognitively active during television viewing and attempt to form a coherent, connected understanding of television programs.

d. Children get over stimulated by television, leading to hyperactivity in some, passivity in others--there is no evidence that children get over stimulated by television; self ratings from TV viewers generally indicate relative relaxation, although some television content can be arousing.

e. Television viewing displaces valuable cognitive activities, especially reading and homework--no evidence supports this assertion; television displaces movie attendance, radio listening, comic book reading, and participation in organized sports; homework is often done concurrent with TV viewing; no evidence is found that homework done during television viewing is of lower quality.

f. Attention span is shortened, probably because of the rapidly paced visual images--television may increase attention focusing capabilities; other research shows that TV viewing may affect task perseverance and impulsivity; the effects depend on which types of programs are watched; violent action programs may cause reduced perseverance and viewing educational programs may cause increased perseverance.

g. Creativity and imagination are reduced--no evidence was found to support this assertion; however, one study indicates that TV may negatively affect children's verbal "ideational fluency" (ability to think of alternative uses for an object).

h. Reading achievement is reduced--some weak evidence supports this assertion, but only during the early elementary schools years and the effect is probably temporary.

i. The development of the left hemisphere of the brain is negatively affected because television viewing activates the visual, spatially oriented right hemisphere--no evidence supports this assertion.

Anderson, D. R. & Lorch, E. P. (1983). "Looking at Television: Action or Reaction?" In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 1-33.

- The authors present the theory that television content is neither "good" nor "bad": the authors note that the theory does not contradict research findings indicating that some kinds of programming can lead to antisocial behavior, but rather, the theory suggests that the viewer applies his or her experience and understanding to that content.

- To account for the impact of television, what the viewer brings to the television is at least as important as what television brings to the viewer.

Anderson, J. (1983). "Television Literacy and the Critical Viewer." In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 297-330.

- A definition of television literacy is proposed; the student will be able to:

  a. Understand the grammar and syntax of television as expressed in different program forms
  b. Use different strategies for the management of duration of viewing and program choices
  c. Describe the technical processes of television, including those dealing with electronics and production

d. Analyze the persuasive appeals used in television advertising and relate those appeals to his or her own consumer behavior
e. Compare similar presentations or those with similar purposes but produced in different media
f. Describe the television industry and its operation and provide an explanation of that industry's role in society
g. Identify values in languages, characterization, conflict resolution, and sound and visual images and compare these values with ones held by the community and self
h. Understand certain research findings concerning the effects of television content and identify the effects of viewing in his or her own behavior
i. Identify the elements in dramatic presentations associated with the concepts of plot, story line, theme, characters, characterization, motivations, program formats, and production values
j. Describe common sources of news stories and evaluate the worth of stories for his or her own purposes and the purposes of others
k. Distinguish and evaluate information from dramatic television programs for its value as an indicant of reality

- Television literacy as a course of instruction may best be served if practitioners would follow four recommendations:

a. Stop trying to save children from television.
b. Value the child for being a child.
c. Justify the content of instruction in the conditions of everyday viewing.
d. Be knowledgeable about the educational establishment.

Bryant, J. et al. (1983). "Entertainment Features in Children's Educational Television: Effects on Attention and Information Acquisition." In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 221-240.

- Research findings suggest the use of entertainment features in educational television programs clearly facilitates children's selective exposure to the programs; humor and background music consistently attract children's attention to the educational material, with "fast-paced" and "appealing" being the most desirable attributes for the entertaining stimuli.

- Because most program selecting occurs early in the program, it appears critically important for exposure to load the educational message with such entertainment devices during the opening sequences.

- Visual attention is greatly facilitated by humor and special effects, with fast pace (humor and special effects) and high appeal (special effects) providing the winning combination.

- Visual attention is impaired over time by the inclusion of continuously presented fast and appealing background music, whereas slow tempo music has negligible effects on attention.
  Intermittently-placed humor and special effects seem not to extend to continuously presented stimuli such as background music (fast, appealing music interferes with the educational message).

Butler, M. & Paisley, W. (1980). Women and the Mass Media: Sourcebook for Research and Action. NY: Human Sciences Press, 432 pp.

Although progress can be found in media portrayal of blacks in America, no comparable progress is found in media portrayal of women; the United Nations Commission on the Status of Women (1974) noted a parallel between "the endless jokes about mothers-in-law and nagging wives and dumb blondes and the kindly illiterate Uncle Tom' blacks that most producers have now been shamed out of portraying"; the UN report identified three aspects of the female stereotype in advertisements:

a. Women are usually portrayed as unable to think for themselves; they defer to men to make decisions.
b. Loss of masculine approval is viewed as a threat; the advertised products are used to gain approval from men.
c. According to advertisements, women seem to be obsessed with cleanliness; they express a "gamut of emotions" in embracing whiteness, brightness, and freshness.

- Sexism continues to be found in the language of women (e.g., language imputed to women in media portrayals) as well as language about women.

- Linguistic sexism is not one problem but many and all are socially ramified; data indicate that language, people, and society are sexist.

- Language is a diffuse form of media sexism that reminds women of their subordination but does not tell them what role to play or how to play it.

- Images are focused forms of media sexism; the media continue their limited stock of images of women--commercial prop, intellectual inferior, hapless dependent, butt of humor, meddler in men's affairs, etc.

- Five aspects of commercials were studied: voice-overs (offscreen narrators), roles, activities, settings, and the ages of women and men; major findings:

a. Almost all commercials with voice-overs are spoken and sung by men.
b. Commercials show men in more roles than women and more often show women in family roles.
c. Commercials show women doing activities in the home and show men as the beneficiaries of those activities.
d. The settings of commercials show women inside the home and men outside the home.
e. Women in commercials are shown as younger than men.
f. In commercials during children's programming, women and girls are seen less than men and boys.
g. In television programs, women are seen less than men.
h. In television programs, men are more often employed than women and have higher-status jobs.
i. In television programs, marital status is known more often for women than for men.
j. Television programs for children show men in more roles than women and show women more often in family roles.

- A consciousness scale was developed to classify media images of women in five ordered consciousness levels:

  a. Level I: "Put her down"--women are portrayed as sex objects, props, or decorations.
  b. Level II: "Keep her in her place"--women are primarily found in the home or in traditional working roles.
  c. Level III: "Give her two places"--women have careers but also manage the home and family.
  d. Level IV: "Acknowledge that she is equal"--women and men are shown as equally competent in the same roles.
  e. Level V: "Recognize that she (and he) is nonstereotypic"--women and men are able to be superior according to their own talents, interests, and motivations, not according to their sex.

- A study of television commercials demonstrated that both men and women are overwhelmingly showed in Level II images; only 20 per cent of the women and 7 percent of the men were shown at other than Level II; half of these women (10 percent) were shown at Level I, while less than 1 percent of the non-Level II men were shown at Level I; 7 percent of the men were shown at Levels III and IV, as were 9 percent of the women; no one was coded as Level V.

- Differences in television viewing by men and women:

  a. Women watch more television than men.
  b. Women and men prefer different types of television programming.
  c. In general, women are more approving of television than men, although they are more critical of the presentation than women.

- Research on children and the media show:

  a. There are few innate sex-role differences between boys and girls.
  b. Children develop sex-role stereotypic behaviors as young as 3 years.
  c. Children spend many hours each day with television and other media.
  d. Media content makes children more sex-stereotyped.

  Legal, economic, and social action can be brought to bear on sexism in advertising.

Huston, A. & Wright, J. (1983). "Children's Processing of Television: The Informative Functions of Formal Features." In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 35-8.

- Television literacy develops not only as a consequence of growing cognitive skills, linguistic competence, and world knowledge, but also as a consequence of learning television's forms and formats (its critical features).

- The literate viewer uses such features and bits of associated content in two ways: (1) to evaluate programming for its interest, appeal, comprehension, memorability, and relevance to the viewer's goals; and (2) to interpret its messages.

Kunkel, D. (1988, Autumn). "From a Raised Eyebrow to a Turned Back: The FCC an Children's Product-Related Programming." Journal of Communication, 38(4), pp.90-108.

- "Program-length commercials," whose primary purpose is to sell toys through the shows' heroes are more prevalent than ever due to: (1) structural changes in the broadcasting industry; (2) new ways of financing and distributing programs; (3) aggressive marketing by the toy industry; and (4) the deregulatory climate at the Federal Communications Commission (FCC).

- Children's program-length commercials (such as G.I. Joe, GoBots, He-Man and the Masters of the Universe, She-Ra, Thundercats, etc.) fit one of two molds: (1) they "bring-to-life" on TV a line of toy characters already available; or (2) they become part of a coordinated effort in which the program and its related products are introduced into the marketplace simultaneously; in either case, the program is originally conceived as a vehicle to provide product exposure to a child audience in hopes of stimulating product sales that in turn may help to sustain program popularity.

- Action for Children's Television (ACT), in 1970, petitioned the FCC to eliminate all advertising on children's programs; prior to this, no empirical research existed as to the effect of these programs on children.

- Once ACT raised the topic as a serious policy issue, several studies were conducted to determine children's understanding of TV commercials.

- A study by the Surgeon General found that many youngsters had difficulty recognizing commercials as separate and distinct from program content; moreover, most children below the age of seven were found to lack an understanding of the underlying selling intent of television advertising and thus, were thought to be particularly vulnerable to TV's commercial persuasion; other studies corroborated these findings.

- The response of the FCC was to induce industry self-reform through wielding the threat of government intervention; this was commonly referred to as the "raised eyebrow" approach to regulation; however, in 1974, the FCC developed a policy statement prohibiting program-length commercials in response to "Hot Wheels," the first example of a children's program-length commercial.

- The issue disappeared until 1983 when Mattel initiated "He-Man and the Masters of the Universe," a product-driven program.

- Two policy issues are raised by the regrowth in children's program-length commercials: (1) their influence on the type of programs provided for children; (2) the unfair advantage these programs take on young children.

- In the FCC's recent decisions on this topic, the lack of direct evidence of harm has been the Commission's primary rationale for its refusal to regulate such content; no longer does the Commission pursue an active approach designed to maximize broadcasters' service to the public; instead, the FCC seeks to exercise its powers only in those circumstances where clear harm is demonstrated as a result of the specific practice.

Lichter, S.R. & Lichter, L.S. (1988, Spring). "Does Television Shape Ethnic Images? Media and Values, 43 (5-8).

- The authors surveyed over 1,200 students in a public, multiethnic high school in the Howard Beach area of Queens, New York, about their attitudes toward race and ethnicity in real life and on television; the school was surveyed two months before the events of fall, 1986, when a racially motivated mob attacked several black men.

- The results indicated that television is a major part of the students' lives, accounting for a substantial portion of their leisure time; many students regard television as a learning tool and an accurate reflection of the real world.

- Forty percent said they learn "a lot" from television, and one in four agreed that "television shows what life is really like" and "people on television are like real life."
  Black students were the heaviest television watchers and were also the group most likely to use television as a learning tool.

- Jewish students were least likely to see the correspondence between television and the real world.

- About one-third of those with opinions said that the ethnic characters they see on television affect their attitudes toward ethnic groups in real life.

Medrich, E. et al. (1982). The Serious Business of Growing Up: A Study of Children's Lives Outside of School, Chapter 8: Television. Berkeley, CA: University of California Press, 402 pp.

- Television viewing occupies more of a child's out-of-school time than any other single activity; today's younger parents grew up with television and they are raising their children in a similar manner.

- Many parents feel they need television to occupy their children's time when the parents are too pressed, tired, or out of ideas for something better to do.

- Children in this study watched television an average of three hours a day on school days, and an average of six to eight hours a day on weekends.

- In only a small percentage of the homes studied was television viewing actively monitored and other activities encouraged.

- Given the limited and inconclusive evidence on the negative effects of television, the authors still argue that television is an inadequate agent of socialization and a poor use of time relative to other alternatives; while television may have few measurable negative consequences, it has few measurable benefits for children either.

- Most children watch too much television given the time-use options; their time might be better spent, in the sense that doing other things might teach them more about their world and foster development of talents, intellect, and physical abilities.

- It is the view of the authors that easy access to television means that most children do not even recognize that choices and trade-offs are involved in their viewing decisions.

- Television is also overused by children who have the poorest life chances--those who might benefit especially by exercising other alternatives; relatively advantaged children also watch substantial amounts of television, but in the context of a more diverse out-of-school life, substantial parental intervention in and facilitation of their interests, and on average, higher scholastic achievement.

- Children in the study from the least advantaged homes were almost three times as likely to be heavy television viewers as were children in the most advantaged homes.

Meringoff, L. (1980). "The Effects of Children's Television Food Advertising." In The Effects of Television Advertising on Children. Lexington, MA: D.C. Heath Co., pp. 123-151.

- The majority of children's television commercials are for food products and services; the specific products constitute a very limited range of foods available for consumption (sugared cereals, candy, other snacks with a high sugar content); there is also considerable advertising for eating places.

- The few food categories advertised are each represented by many different brands of product, and each brand's commercials may be repeated on a given day or even during the course of a single morning's viewing.

- The format employed in commercials directed at children varies by product type: most cereal ads are totally or partially animated, whereas ads for candy/sweets are usually live-action.

- Presenter characters are commonly used in association with specific products; cereals use animated characters, and fast food restaurants use live adult males; most other characters in these commercials are children, although adult and teenage characters also tend to appear in ads for candy/sweets.

- In general, food products are not promoted to children on the basis of their nutritional value.

- Cereals do sometimes make reference to nutrition, such as the vitamin fortification; the only exception to the paucity of nutritional information is the required disclosure in commercials for breakfast-type products about the role of the product within a balanced meal; the majority of cereal ads make this disclosure in five seconds or less.

- Advertised foods are described primarily in terms of their taste, texture, and ingredients.

- In general, children have been found to learn the content information provided in food commercials; they exhibit high awareness of brand names, the identity of presenter characters, and various of the other product claims or attributes featured; an exception is the difficulty children have remembering and interpreting the balanced breakfast disclosure (probably more attributable to the nature of the presentation rather than children's inability to learn such information).

- Children's concepts of what constitutes an acceptable snack usually includes the foods most frequently advertised to them.

- The extent of recall and understanding of commercial content varies with child variables such as family income, mother's education, and, in particular, age; younger preschool children consistently report less recall and understanding than older school-age children of the product information provided in ads; younger and lower-class children are also much less well-informed about the nutritional value and health consequences of advertised foods than their older, middle-class counterparts.

- Children have been shown to accept or believe many of the product claims made about advertised foods; children have also been shown to draw inferences about what is safely edible and inferences about the personal qualities of product presenters and characters (for example, their power and happiness).

- Children have been found to influence the purchase of the foods advertised to them; there is evidence of a tendency both for children to register their preferences for these products and for parents to honor their children's requests; when parents deny their children's requests, conflict can ensue; children are also reported to take responsibility for fixing their own after-school snacks, which often include sweets such as cookies or candy.

- Children's expressed preferences and consumption of advertised foods have been shown to positively relate to their exposure to television food advertising; that is, children who report higher levels of television viewing are more likely to report preferences and consumption of heavily advertised foods than do children who view less television.

- Exposure to specific food commercials has produced significant increases in children's expressed preferences or requests for the products promoted, including a brand of a familiar product such as ice cream and non advertised foods within the same product class.

Meringoff, L. et al. (1983). "How is Children's Learning from Television Distinct?" In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 151-179.

- The authors assert that television delivers to child audiences messages that are qualitatively different from those of other media.

- Television effects on children include greater use of character actions than picture book stories, both in children's verbal recounting of story material and in their own spontaneous gesturing.

- Television viewers were found to make frequent use of visual content, such as character movement and facial expressions, in making story-related inferences; this finding suggests not only which kinds of story content children may remember, but also how children apply this learned information to their further reasoning about the material presented.

- The authors contend that findings from the research have serious implications for academic and applied audiences and that researchers are in a position to give parents good ideas about how to use television effectively with their children.

Meringoff, L. & Lesser, G. (1980). "Children's Ability to Distinguish Television Commercials from Program Material." In The Effects of Television Advertising on Children. Lexington, MA: D.C. Heath and Co., pp. 29-42.

- Studies using verbal responses to questioning found a positive relationship between age and children's verbal ability to differentiate between programs and commercials; younger children, particularly below ages 8 or 9, either express confusion or base their discrimination of commercials on affect or on superficial perceptual cues, such as a commercial's shorter length; older children are able to distinguish program and commercial material on the basis on an overall understanding of each message's meaning; however, children as young as 4 (and older) exhibit high familiarity with animated characters appearing in commercials and associate these characters with the products they promote.

- Studies of visual attention patterns have tended to infer discrimination of commercial and program material from observed changes in children's attention levels between program segments and adjacent commercial announcements; however, there is also evidence suggesting, alternatively, that these changes in attention are attributable to the specific audiovisual changes taking place between advertising and programming sequences.

- Comparisons made between dispersed and clustered commercial formats indicate that children, particularly younger children aged 3 to 8, are more attentive to clustered commercials and express a preference for this form of presentation.

- Greater desire in younger children (below age 8) for the product advertised was found when the commercial presented the animated character featured in an adjacent program.

- Many children, but particularly those below age 8, neither draw upon the concept of selling intent in defining commercials, in distinguishing them from programs or in explaining their purpose, suggesting little comprehension and/or the low salience of persuasive intent as a feature of advertising.

- Younger children, who appear unaware of the selling motives of television advertising, also tend to express greater belief in commercials and a higher frequency of purchase requests for certain advertised products than do older children who display understanding of the intent of commercials; these differences suggest that a more mature concept of the nature and purpose of advertising acts as a mediating influence between commercials and their effectiveness as persuasive messages.

Roberts, T. (1980). "Television Advertising and Parent-Child Relations." In The Efforts of Television Advertising on Children. Lexington, MA: D.C. Heath C., pp. 95-212.

- Parental concern--parental attitudes toward children's television advertising are generally negative, but are probably not very strongly held or important in their lives; parents seem willing to pay the price of children's advertising if the alternative were discontinuing children's programming; however, parents favor increased regulation.

- Parental mediation of viewing behavior--levels of parent-child co-viewing vary by time of day and are lowest for children's programs; co-viewing is considerably less prevalent than children viewing alone; viewing rules for children appear to be more common among college-educated parents; however, parents from higher social-class levels may be giving what they consider to be socially desirable responses to the questions asked in research.

- Children's requests to parents--purchase requests generally decrease among older children; they vary by product and are highest for products frequently consumed by children (such as cereals) or of particular interest to them (such as toys); exposure to television advertising is found to be associated with children's request for both toys and cereals.

- Parental yielding/denial--yielding to children's purchase requests varies by product category and seems to increase with the age of the child; yielding may also be associated with parental attitudes toward television advertising.

- Outcomes (learning and conflict)--disappointment, conflict, and even anger, are found when parents deny requests; television exposure seems linked to these outcomes.

Rossite, J. (1980). "The Effects of Volume and Repetition on Television Commercials." In The Effects of Television Advertising on Children. Lexington, MA: D.C. Heath and Co., pp. 153-183.

- Research is reviewed on effects of television advertising resulting from the frequency of children's exposure to commercials: **volume** is used to refer to frequency of exposure to commercials in general; repetition is used to refer to frequency of exposure to a particular commercial. Four hypotheses are presented:

a. That certain long-term effects may result from children's exposure to commercials including a greater susceptibility to persuasion, development of materialistic values, and appreciation of the marketing and economic environment; it is hypothesized that these long-term exposure effects increase with cumulative exposure to television commercials as children grow older.

b. That certain effects may result from frequent exposure to commercials through "heavy viewing" within age groups; it is hypothesized that susceptibility to persuasion is the most common of these heavy viewing effects.

c. That volume effects are also relevant in the short-term via the "clustering" of commercials in blocks between programs versus distributing them between and during programs; it is hypothesized that **clustering effects** help children discriminate between program content and advertising content but can also unfairly penalize advertisers.

d. That repetition of the same commercial results in stronger effects than a single exposure; it is hypothesized that increased susceptibility to persuasion results from **repetition effects** but also included are other potential effects such as "irritation."

Research Results:

- Long-term exposure effects--as children age, there is a dramatic increase in their cognitive understanding of the nature and purpose of commercials and the equally dramatic decline in their feelings toward commercials as an institution; however, their desires for the products advertised decline only slightly over this childhood period.
- Heavy viewing effects--such viewing does not retard children's cognitive understanding of advertising; however, heavy viewing does not accelerate it either.
- Clustering effects--evidence is inconclusive as to whether clustering children's commercials benefits children or penalizes advertisers.
- Repetition effects--there is little basis for concern that repetition leads to greater persuasion; neither the rate at which children encounter a commercial nor the total number of times they encounter it, has any incremental effect on either their liking of the brand or their intention to request or buy it; the effect of repetition seems to be mainly to prevent children from forgetting their originally learned reactions to the product.

Rossite, J. (1980). "Source Effects and Self-Concept Appeals in Children's Television Advertising." In The Effects of Television Advertising on Children. Lexington, MA: D.C. Heath and Co., pp. 61-94.

Critics of television advertising for children allege that the use of characters (human, nonhuman, live-action, animated) in commercials creates **"source effects"** that take unfair advantage of the young viewer; the alleged negative source effects include:

a. **Confusion effect**--occurs when certain types of characters in commercials, notably program personalities and cartoon characters, contribute to children's confusion between programs and advertisements; **adjacency effect** occurs when the confusion effect is heightened because program personalities and cartoon characters appear in commercials shown within or adjacent to their own programs.

b. **Endorsement effect**--occurs when celebrities or authority figures, such as a police officer, an astronaut, or a mother, lead children to attribute to the endorsed product qualities it does not have; **fantasy effect** occurs when the endorsement effect is reduced or eliminated because the celebrity or authority figure does not appear as in real life, but is either acted or animated.

c. **Social stereotype effect**--occurs when certain characteristics of product presenters or users, notably their sex, race, occupation, or social behavior, contribute to children learning social stereotypes.

d. **Self-concept effect**--occurs when certain types of advertising appeals, usually, but not always, involving product presenters or users, deleteriously affect a child's self-concept.

- Research on confusion effects shows there is no evidence in support of the hypothesis that the use of program characters in commercials contributes to this confusion.

- Research on endorsement effects leaves little doubt that positive endorsement effects can occur with the direct testimonial approach.

Research on social stereotype effects shows it is almost impossible to determine whether or not commercials contribute to the formulation of social stereotypes.

- No research has been conducted on self-concept effect.

Salomon, G. & Leigh, T. (1984, Spring). "Predispositions about Learning from Print on Television." Journal of Communication, 32 (2), pp. 119-135.

- The authors report on two studies which suggest that: (1) television affects viewers in a variety of ways, with both short- and long-term consequences; (2) viewers can influence to some degree the extent to which they are influenced by television; and (3) viewers can affect the experience and outcomes of their encounter with television through the kinds of mental abilities they apply to televised material, their comprehension of it, and the knowledge they possess and bring to bear on it.

- Israeli children were found to remember more of yesterday's TV shows than American children because Israeli children perceive TV to be a more serious medium.

- Adults report that while television and reading are both sociable and relaxing activities, reading has greater cognitive requirements (more concentration, challenges, and skills) and involves higher feelings of potency (greater alertness, less passivity); television is characterized by reduced mental investment.

- Sixth graders' preconceptions of TV and print were strongly related to the amounts of effort the children reported investing in a specific televised story or in its print version; TV was reported to be "like real life," whereas print was perceived to be contrived; the children felt it was far easier to learn from TV; they attributed failure to comprehend TV to "dumbness," while failure to comprehend print was due to the difficulty of the material; children report that print materials generally command more mental effort than TV.

- High-ability students reported they invested significantly less mental effort on TV while both high- and low-ability students reported investing about the same amounts of mental effort in reading.

- Low-ability children were found to work harder than more able ones in comprehending TV and consequently, perform quite well with this medium; high-ability children look down on TV, knowing they don't have to invest much effort on it; then, when faced with a somewhat demanding program, high-ability students learn less from TV than their less able peers and less than their equals who read a comparable text.

- The findings of the two studies suggest that children's general preconceptions of the mental demands required by TV and print are reflected in the amounts of effort they report expending when they encounter a specific TV story or its print version; children appear to rely more heavily on their abilities when reading than when viewing television.

- TV is processed more "mindfully" by children when they are viewing-to-learn rather than viewing-for-fun.

- The two studies suggest that children's preconceptions concerning TV appear to affect the depth with which they process the information, thereby making their own expectations come true; they expect TV to demand little of them and get relatively little out of it in terms of inferential learning.

- Children who fail to actively seek to understand television are not likely to gain much knowledge from it.

Singer, & Singer, D. (1983). "Implications of Childhood Television Viewing or Cognition, Imagination, and Emotion." In Children's Understanding of Television: Research on Attention and Comprehension. NY: Academic Press, pp. 265-295.

- Research shows that television viewing by young children seems to preempt playtime and impede creativity; yet there are indications that with adult intervention, television can be used to stimulate spontaneous imaginative play in children, as well as other pro-social behavior.

- Children can learn all kinds of things from television, but much of that learning , without adult mediation or without specially designed, age-specific, child-oriented programming, turns out to be incidental and potentially harmful.

- Research clearly suggests that adults are crucial for children's learning from television; without adult help at home or in the classroom, television as it is presently constituted, can become a hazard to children's cognitive development.

Ward, S. (1980). "The Effects of Television Advertising on Consumer Socialization." In The Effects of Television Advertising on Children. Lexington, MA: D.C. Heath Co., pp. 185-194.

- Consumer socialization is defined in terms of development of skills, attitudes, and knowledge relevant to consumer behavior; television advertising is one of many influences on the process.

- It is not clear from existing research whether television advertising contributes to "effective" or "good" consumer behavior patterns; whether advertising merely provides consumer-related stimuli which provide a catalyst in the process; or whether television advertising's influences contribute to any long-range socialization effects.

- If one believes that children have a right to be able to fairly evaluate advertising messages, it is advisable to separate short-term and long-term effects, regardless of how long the effects of commercials may last.

- There are longitudinal data to assess the long-range impact of exposure to advertising during children; data do support the contention that advertising contributes to some elements of "consumer learning"; however, the research emphasizes the primary role of the family in mediating advertising's effects and in contributing directly to consumer socialization.

Wright, C. et al. (1989, Spring). "How Children Reacted to Televised Coverage of the Space Shuttle Disaster." Journal of Communication, 39(2), pp. 27-5.

- The authors report on a study designed to explore the nature and extent of children's self-reported effective and cognitive reactions to the space shuttle Challenger disaster and what that might tell about both the impact of seeing an unexpected dramatic and violent real-life event and potential differential understanding of the event among boys and girls of different ages.

- Children were likely to be affected by the disaster because: (1) the presence of teacher-astronaut Christa McAuliffe aboard the flight provided a familiar, concrete referent among the crew members who were killed; (2) many schools required their students to study this particular mission to prepare for McAuliffe's lessons from space; (3) the launch was viewed live by substantial numbers of children at their schools, giving the event a sense of universal importance; (4) space travel and adventure are attractive to many children, especially boys; and (5) the disaster came unexpectedly.

- The study was conducted in a small midwestern city at an elementary school with students drawn primarily from white middle- to upper-middle-class families; the children ranged in ages from 9-12 years.

- The findings indicate that the disaster aroused strong emotions in many children, but even those who emotionally distanced themselves from it were motivated to find out more about it, what caused it, and what it meant for the future of the space program.

- Children responded to the disaster in two ways: either with a cognitive orientation (with a reliance on television for facts), or with a social and emotional orientation toward the people involved and those with whom the children interacted; this was true for both boys and girls; however, there were differences along stereotypical gender lines--girls showed more affect and upset than boys.

- Though the studies showed that most children experienced substantial distress, the children were also found to be capable of placing the disaster in the appropriate context and not allowing it to dominate their thoughts.

- The authors conclude that shock and uncertainty generated by television news leads toward more simple, traditional, and stereotypical ways of thinking; boys focus more on objective costs, while girls focus more on personal and social experiences.